

- I. CALL TO ORDER
 - a. Reminder of Upcoming Meeting Dates
- II. MINUTES
 - a. May 5, 2023 Economic Development Advisory Board Minutes - Draft
- III. ACTION ITEMS
 - a. Request for EV Charging Stations
- IV. DISCUSSION
 - a. Downtown Historic District & Building Codes
 - b. Extension of Services Policies
 - c. Common Consumption Area
- V. ADJOURNMENT



**REQUEST FOR ECONOMIC DEVELOPMENT
ADVISORY BOARD ACTION
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Finance

Prepared By Lacey Lies

AGENDA ITEM Reminder of Upcoming Meeting Dates

SUMMARY RECOMMENDATION

BACKGROUND July 11, 2023
August 8, 2023

SUGGESTED MOTION

SUPPORTING DOCUMENTS



**REQUEST FOR ECONOMIC DEVELOPMENT
ADVISORY BOARD ACTION
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Admin

Prepared By Lacey Lies

AGENDA ITEM May 5, 2023 Economic Development Advisory Board Minutes - Draft

SUMMARY RECOMMENDATION

BACKGROUND

SUGGESTED MOTION I move to approve the May 5, 2023 Economic Development Advisory Board Minutes.

SUPPORTING DOCUMENTS

1. May 5, 2023 Econ Dev Adv Bd Minutes

Minutes of the Economic Development Advisory Board's May 2, 2023 Meeting

I. Call to Order

Present: Chuck Goad, Lori Kelley, Jom Kelly, Wayne Stephany and Keith Stone

Absent: Jason Curtis and Rod Zinn

Guests: Patty Ann Sanborn

Ex Officio: Lisa Wilson, April Nutt and Tabatha Snodgrass

Chuck Goad called the meeting to order.

II. Minutes

- a. Consider approving minutes of the March 7, 2023 Economic Development Advisory Board Meeting.

Motion:

On the motion of Wayne Stephany, seconded by Keith Stone the Commission approved the March 7, 2023 Economic Development Advisory Board Meeting minutes.

Aye: Chuck Goad, Lori Kelley, Jim Kelly, Wayne Stephany, Keith Stone

Nay: None

III. Discussion

- a. SEK, Inc. Presentation

Patty Ann Sanborn gave a presentation on the Career Technical Education program provided by SEK, Inc.

- b. Extension of Service Policies

Both policies provide a bit of the puzzle of how we currently operate. Our goal is to review both in June and recommend a single policy going forward that has all of the pieces that we want it to have.

1. 1979 Policy

2. 1996 Policy (Modifications to the 1979 Policy -- This did not replace the previous policy, it only modified certain sections of it).

- c. Waterline Project Update

The City Engineer will review and update the EDAB on the waterline project.

Minutes of the Economic Development Advisory Board's May 2, 2023 Meeting

d. Jefferson Subdivision Update

The Housing Authority Director will update the EDAB on the Jefferson Subdivision project.

e. EV Charging Stations

Update from Chair:

My initial EV goal was to get at least one charging station in our downtown for economic development purposes. At this point, I have estimates for equipment and installation of it; however, I cannot get Evergy to recognize the grant application or provide us with infrastructure placement costs. I feel we may have lost much of our "early bird" advantage on these requests and feel the City now needs to consider a full project plan and budget for EV implementation. I feel EV charging will be a major focus in economic development in the near future and will require many charging locations. I have attached a document supporting the need for EV charging and I'm wondering if this is something that should also be shared with Commissioners.

After sitting in on the IKE webinar, I feel the Off-corridor and Community Project grants would be a good fit for the City but requires a 20% local public match, which will require budgeting for City resources.

I do not feel we would be eligible for the initial infrastructure funding as we are not directly on one of the state's major corridors (ie Highway 400).

f. Website Information

Lacey Lies will review the updated City website.

g. Kansas Historic Preservation Conference & Tax Credit Seminar

The 2023 Kansas Historic Preservation Conference will be held May 4-6, 2023 in Independence, KS.

[Registration Link](#)

IV. Adjournment

Motion:

On the motion of Keith Stone, seconded by Lori Kelley the Commission adjourned.

Aye: Chuck Goad, Lori Kelley, Jim Kelly, Wayne Stephany, Keith Stone

Nay: None

Minutes of the Economic Development Advisory Board's May 2, 2023 Meeting

Chuck Goad, Chairperson

Jason Curtis, Secretary



**REQUEST FOR ECONOMIC DEVELOPMENT
ADVISORY BOARD ACTION
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Finance

Prepared By Lacey Lies

AGENDA ITEM Request for EV Charging Stations

SUMMARY RECOMMENDATION Recommend to the Commission to fund \$50,000 toward the purchase and installation of two Level 2 electric charging stations at the Municipal Parking Lot located at the corner of 5th and Myrtle.

BACKGROUND This request is to recommend to the Commission to fund \$50,000 toward the purchase and installation of two Level 2 electric charging stations at the Municipal Parking Lot located at the corner of 5th and Myrtle. These funds would be used to provide the 60% required matching funds for an Evergy Grant. Funds would come from the City's Economic Development Fund, which is funded through franchise fees.

Benefits of EV Charging

- It will be a city expectation for economic development per the Main Street seminar.
- Meet sustainability goals by reducing our carbon footprint.
- Attract new customers. People will pass through and stop to shop and dine or simply bypass our community and stop at a city with chargers and activities.
- Increase the duration of a visit while users charge their vehicle.
- Reduce the cost of installation with rebates and grants.
 - Grants and rebates are available now and may not be in the future.
 - Application #00000977209 was approved May 23, 2023 for 2 Level 2 chargers with dual plugs, which will deliver approximately 24 miles range per hour.
 - Evergy Grant is 40% of project costs associated with EV charging equipment and customer-side wiring. With a maximum of \$45,000 along a highway corridor and \$55,000 not along a highway corridor. Each entity incentive is capped at \$150,000.
 - Evergy will not charge us to get service to the site since it is a new revenue source.
 - We have nine months from the pre-approval date or 18 months if the charger infrastructure acquisition caused a delay, and Evergy is notified by month 8.
 - Additional funding is available through the Federal & State Off-corridor & community project grants at ksdotike.org, due Tuesday, June 13th.
- Save on bills by enrolling in a new EV rate plan.

Estimated Cost: \$76,100 for an installed/turn-key system with 2 level 2 chargers

Estimated Annual Costs: \$2,854

- Cloud plan - \$1,380 (\$690/dual port station)
- Maintenance warranty plans (parts & labor)- \$1,474 (\$737/charger)

- Note: multi-year plans are a bit less expensive
- These costs are included in year 1 in the estimate above.

Estimated Net out of pocket cost after Evergy's 40% Grant: \$45,660

The cost of electricity per kWh at peak hours is \$.22 in summer or \$.14 in winter, which is 2 pm - 8 pm Monday-Friday, excluding holidays. Off-peak rates are \$.078 in summer or \$.047 in winter, which are all other times: 6 am - 2 pm & 8 pm - 12 am. Super off-peak rates are summer \$.0155 or winter \$.0118 12 am- 6 am daily.

Revenue is Minimal: \$.25-.30 per kWh

SUGGESTED MOTION I move to recommend the Commission fund \$50,000 toward the purchase and installation of two Level 2 electric charging stations at the Municipal Parking Lot located at the corner of 5th and Myrtle.

SUPPORTING DOCUMENTS



**REQUEST FOR ECONOMIC DEVELOPMENT
ADVISORY BOARD ACTION
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Finance

Prepared By Lacey Lies

AGENDA ITEM Downtown Historic District & Building Codes

SUMMARY RECOMMENDATION

BACKGROUND

SUGGESTED MOTION

SUPPORTING DOCUMENTS

1. City Website Search Results_Downtown Historic District
2. Independence, KS Code of Ordinances_Chapter 50_Independence Historic Preservation and Resource Commission
3. Historical Pamphlet Signage



Search

downtown historic district



▼ [SITE CONTENT](#)

> [AGENDAS & MINUTES](#)

> [MUNICIPAL CODE](#)

[Advanced Search](#)

1 - 10 of 467 results (0.05 seconds)

Downtown Independence Building Grant - Feb 21, 2022

<http://www.independenceks.gov/documentcenter/view/2571>

Downtown Independence Building Grant

242 KB

Historic Downtown Pamphlet (PDF) - Oct 13, 2015

<http://www.independenceks.gov/documentcenter/view/75>

City of Independence 120 North 6th Independence, KS 67301 (620) 332-2500 Guidelines for Rehabilitation of Storefronts in **Downtown** Although every building has its own detail, character and identity, there are design patterns that can be applied to the **historic** storefronts

629 KB

Downtown Independence Building Grant - May 6, 2022

<http://www.independenceks.gov/documentcenter/view/2570>

Downtown Independence Building Grant

249 KB

Dexter B Gray - Mayor 4 - May 31, 2022

<http://www.independenceks.gov/documentcenter/view/2673>

within a week. However, “the new fire engine did not prevent the most destructive fire in the history of the city on February 13 when eighteen business buildings were consumed.” (History of

Montgomery County, p. 95) Another major **downtown** fire in 1880 caused the City Council to enact
22 KB

4415 - RHID - Downtown Part 1 and Jefferson Subdivision - Dec 7, 2022

<http://www.independenceks.gov/documentcenter/view/2887>

OF INDEPENDENCE, KANSAS, ESTABLISHING A RURAL HOUSING INCENTIVE **DISTRICT** WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH **DISTRICT**, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH **Downtown** Central Business Development **District** Part **1** 0000
261 KB

Economic Development - Jul 15, 2022

Home › Business › Economic Development

<http://www.independenceks.gov/210/economic-development>

project. **Downtown** Commercial Building Grant Program The **Downtown** Independence Building Grant is established for the sole purpose of aiding in the preservation of the structural integrity of existing commercial buildings located within the Central Business **District** of the City of Independence

Historic Preservation & Resource Commission - Jan 12, 2023

Home › Government › Boards & Commissions › Historic Preservation & Resource Commission

<http://www.independenceks.gov/152/historic-preservation-resource-commission>

The Independence **Historic** Preservation and Resource Commission makes recommendations regarding changes or modifications to **historic** structures or structures within the environs of **historic** structures.

City Engineer Brochure November 2020 - Nov 18, 2020

<http://www.independenceks.gov/documentcenter/view/2138>

, statues and **historic** architecture that comprise the city's **downtown** business **district**. Truly, our town demonstrates community pride through our commercial offerings and an impressive lineup of festivals and special events. Today, Independence remains an idyllic town in middle-America. Our
521 KB

City of Independence 2018 Report - Mar 14, 2019

<http://www.independenceks.gov/documentcenter/view/1393>

Rezoning Request from R-4 to M-**1** Recommended Not Approved Processed 2 Conditional Use Permits Planning Commission City Commission 301 N. 24th (church in a residential **district**) Approved Approved 1601 Halsey Avenue (daycare in a residential **district**) Approved Approved Summer 2018 Planning Intern
5 MB

IHPRC Application - Due 12/15/16 - Oct 21, 2016

<http://www.independenceks.gov/documentcenter/view/680>

- **1** - Applications must be received in the City Manager's Office, 811 W. Laurel, Independence, KS 67301 or by Email at KellyP@IndependenceKs.gov on or before December 15, 2016 APPLICATION Independence **Historic** Preservation & Resource Commission City of Independence, Kansas Date

1 [2](#) [3](#) [4](#) [5](#) ... [47](#) 

Show per page

 Government Websites by CivicPlus®

Although every building has its own detail, character and identity, there are design patterns that can be applied to the historic storefronts in downtown Independence. This brochure offers some suggestions when a rehabilitation is being considered but it does not take the place of an architect or contractor. Professional assistance will probably be necessary.

1. Locate old photographs of the building to determine how it originally looked.
2. Become familiar with the architectural features or details of the building (cornices, ornaments, windows, etc.) that contribute to its historic character.
3. Investigate to see if the architectural detail has been covered over or removed (often times parts may be stored in basements or upper floors).
4. Evaluate the condition of the building facade, and the amount of money budgeted for the project, to determine whether to undertake a minimal rehabilitation, a major renovation or a complete restoration.
5. Formulate a rehabilitation strategy sympathetic to the historical integrity of the building and its relationship to adjacent buildings.
6. After the rehabilitation has been completed, remember proper maintenance. Neglected maintenance frequently results in insensitive alterations (e.g. broken windows get boarded over, deteriorated cornices get removed, damaged leaded glass transoms get covered with aluminum, etc.)

Why Rehabilitate?

1. A clean, restored downtown reflects pride in the community which makes it easier to attract local shoppers, tourists, new businesses and industries.
2. Rehabilitated storefronts not only define our past and give us our unique sense of identity, but also prolongs the life of the buildings.
3. There are many economic advantages including grants and historic tax credits for certified historic structures. Details of these programs can be obtained through the City of Independence.

For additional information please contact:

James Engman, Building Inspector

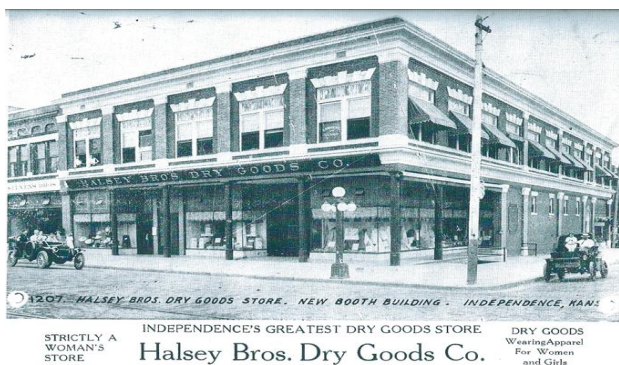
City of Independence

120 North 6th Street

Independence, KS 67301

(620) 332-2541

Young, Dwight - "Saving old buildings and neighborhoods is an enormously effective way to provide continuity in the places where we live."



— Southeast Corner of 8th/Myrtle, Independence, KS.



Guidelines for Rehabilitation of Storefronts in Downtown



By evaluating the components of a storefront as well as their existing condition, a successful rehabilitation is more likely. — Southeast Corner of 8th/Main, Independence, KS.

City of Independence
120 North 6th
Independence, KS
67301
(620) 332-2500



Do's and Don'ts for Rehabilitation of Storefronts in Historic Downtown



The "modern" front was removed from this building and the store front was restored. — 212 N. Penn, Independence, KS.

DO

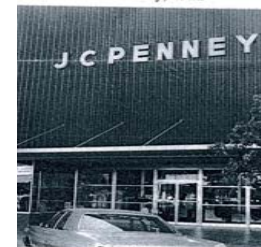
- Preserve architectural details (like cornices).
- Paint traditional/compatible colors. Choose right combination of color for minor trim, major trim and base color.
- Replace windows that fill entire opening. Use similar or appropriate style windows.
- Clean and tuck-point masonry wall.
- Consider color, texture and building materials of building and adjacent buildings.
- Use simple signs with an easy-to-read direct message. Consult the Sign Ordinance in the City's Planning and Zoning Code (available at www.IndependenceKs.gov).
- Choose an awning material, color and design which enhances the character of the building.
- Distinguish between the store front and the upper façade, but make them compatible.



Morris, William - "These old buildings do not belong to us only, they belong to our forefathers and they will belong to our descendants unless we play them false. They are not in any sense our own property to do with as we like with them. We are only trustees for those that come after us."



Try to locate old photographs or prints to determine what alterations have been made to the storefront and when they were undertaken. Awnings were common elements of storefronts at the turn of the century. — Northwest Corner of Penn/Main, Independence, KS.



JC Penney, 1981

This building's architectural features have been totally obscured by a "modern" front. — 212 N. Penn, Independence, KS.

DON'T

- Remove or cover architectural details.
- Paint bright colors or apply paint to surfaces not intended to be painted (e.g., masonry walls or transom glass).
- Board over or enclose window openings.
- Replace windows with small ones and infill.
- Sandblast.
- Install metal panels, barn siding or bright shiny surfaces.
- Use large and flashy signs.
- Install sign before checking the City's Sign Ordinance.
- Install a plastic canopy or metal awning.
- Create a new design by either using inappropriate historical themes or contemporary materials not compatible with the historic character of the building.
- Add fake "historic" details.

Economic Development

Independence is an industrial "hub" for Southeast Kansas and the home of many successful businesses that conduct business in a global market. Independence is in close proximity to major markets and draws a workforce from a population base of close to 200,000 people on a daily basis.

If you are considering relocating or expanding your business in Independence, we are pleased to present two main industrial parks with available acreage for your business. We would also be pleased to work with you on alternate sites which may better suit the company's needs or have other advantages for your project.

Downtown Commercial Building Grant Program

The Downtown Independence Building Grant is established for the sole purpose of aiding in the preservation of the structural integrity of existing commercial buildings located within the Central Business District of the City of Independence to maintain the economic stability of the Central Business District. This grant provides a 25% reimbursement for eligible expenses with a maximum funding of \$25,000 per building.

Neighborhood Revitalization Districts

The Neighborhood Revitalization Program uses a tax rebate to encourage the rehabilitation of existing properties, as well as the development of new properties that are located in a designated Neighborhood Revitalization District (NRD). To find out if your property is in a Neighborhood Revitalization District [click here for an interactive map](#) and enter your address in the search bar in

the upper right corner and click enter. You may also click on any of the districts on the map for more information. Applications must be filed with the City Clerk with a \$25 application fee within 60 days following issuance of a building permit, or if a building permit is not required within 60 days of starting the improvements. For an application, [click here](#). The table below indicates the rebate percentage for each neighborhood revitalization district based on the type of improvement.

		New Structure		Rehabilitation, alteration or addition		Rehabilitation of structure on Kansas Historical Register		
NRD	Expires	Years 1-5	Years 6-10	Years 1-5	Years 6-10	Years 1-5	Years 6-10	Notes
Central	12/31/2030	Up to 100%	Up to 50%	Up to 100%	Up to 50%	Up to 100%	Up to 100%	Accessory structures are not eligible; such as garages, gazebos, storage buildings, workshops, swimming pools, etc.
Downtown Area	12/31/2025	Up to 100%	Up to 75%	Up to 100%	Up to 100%	Up to 100%	Up to 100%	Accessory structures are not eligible; such as garages, gazebos, storage buildings, workshops, swimming pools, etc.
North Penn	12/31/2027	Up to 100%	Up to 50%	Up to 100%	Up to 50%	Up to 100%	Up to 100%	Accessory structures are not eligible; such as garages, gazebos, storage buildings, workshops, swimming pools, etc.
Southeast	12/31/2030	Up to 100%	Up to 50%	Up to 100%	Up to 50%	Up to 100%	Up to 100%	Accessory structures are not eligible; such as garages, gazebos,

								storage buildings, workshops, swimming pools, etc.
Southwest	12/31/2030	Up to 100%	Up to 50%	Up to 100%	Up to 50%	Up to 100%	Up to 100%	Accessory structures are not eligible; such as garages, gazebos, storage buildings, workshops, swimming pools, etc.
West Laurel Street Industrial Park	12/31/2025	Up to 100%	Up to 50%	Up to 100%	Up to 50%	Up to 100%	Up to 50%	New and existing structures are eligible. Minimum investment of \$200,000 for commercial/industrial buildings.
West Main Street	12/31/2025	Up to 100%	Up to 50%	Up to 100%	Up to 50%	Up to 100%	Up to 100%	Only commercial structures are eligible.

Airport Industrial Park

The Independence Airport Industrial Park is located four miles southwest of the City of Independence and is currently home to various businesses including Cessna Aircraft.

Airport Industrial-South

The Airport Industrial Park-South has 161 acres available in the southeast corner of the Airport Industrial Park. Full utility services are available to the site. The City will subdivide this property in a manner that is tailored to the business' needs.

Airport Industrial-West

This site is located in the northwest corner of the Airport Industrial Park, adjoining U.S. 75 Highway. All utilities are available to the site. The site consist of 192 acres

West Laurel Industrial Park

The West Laurel Industrial Park has 18.5 acres available. It is located in the western portion of Independence and adjoins U.S. Highway 75/160. Access to the U.S. highway is by a controlled intersection. Full utility services are available to the site. A rail spurline is available in the Industrial Park and extendable to the specific needs of the business.

Incentives

We have a comprehensive set of incentives to assist with projects that create new jobs, in addition to those offered by the State of Kansas and the Kansas Department of Commerce, including:

- Land Incentives are available
- Industrial Revenue Bonds and other low cost financing options
- Tax Assistance:
 - Property Tax Exemption up to 100% for 10 years
 - Capital Investment Tax Credits - 10% (for only specified areas in Kansas)
 - Enhanced Enterprise Zone
- Utility extensions and electric rate reduction
- Local Business Incentive Program: [City of Independence Business Incentive Policy](#)
- Other assistance as needed

To further assist us in responding to your needs, please fill out the following form: [Project Initiation Form](#)

Further Information

If you would like specific industrial site and economic development incentive information, please contact the City Manager at 620-332-2506 or Jim Kelly, [Montgomery County Action Council](#) at 620-331-3830.

For other business support, contact the [Chamber of Commerce](#) at 620-331-1890 or [Independence Main Street](#) at 620-331-2300.

Available Industrial Land

- [Aerial of Airport \(JPEG\)](#)
- [Airport Master Plan Map \(JPEG\)](#)
- [Airport South \(JPEG\)](#)
- [Airport West \(JPEG\)](#)
- [West Laurel Industrial Park \(JPEG\)](#)

Historic Preservation & Resource Commission

Members

- Bill Gour
- Darin Axthelm
- Breanna Sanford
- Tim White
- Gary Hogsett
- Jason Rutledge
- John George

Purpose

The City of Independence is a Certified Local Government (CLG). The Independence Historic Preservation and Resource Commission issues Certificates of Appropriateness and makes recommendations regarding changes or modifications to historic structures or structures within the environs of historic structures.

Quick Links

- [Historic Storefront Rehabilitation Brochure \(PDF\)](#)
- [Historical Sign Pamphlet](#)
- [Contact Us Form](#)

[View All Links](#)

Chapter 50 - INDEPENDENCE HISTORIC PRESERVATION AND RESOURCE COMMISSION

Footnotes:

--- (1) ---

Editor's note— Ordinance No. 3709, § 1, adopted November 3, 1995, repealed articles I through III, chapter 50 in its entirety. Formerly, such chapter pertained to historic preservation and derived from Ord. No. 3540, §§ 1—8, 11-25-87.

ARTICLE I. - IN GENERAL

Sec. 50-1. - Policy.

- (a) The governing body of the City of Independence, Kansas, finds and declares that the present and future economic and general welfare of the people of the city is generally founded on the contributions of the past. Many of these contributions are manifested in districts, sites, buildings, structures, archeology and objects which reflect the richness and diversity of the city's history by their design, association, and integrity.
- (b) The governing body of the City of Independence further finds that many historic properties have been lost through demolition and destructive rehabilitation, notwithstanding the feasibility of preserving and continuing the use of such properties, and without adequate consideration of the irreplaceable loss to the people of the city of the historic, cultural, and architectural values represented by such sites, buildings, structures and objects. It is the sense of the governing body that economic and general welfare of the city cannot be maintained or enhanced by disregarding the historic, cultural, and architectural heritage of the city.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-2. - Purpose.

The purposes of this chapter are:

- (1) To establish and organize the Independence Historic Preservation and Resource Commission, hereafter referred to as the IHPRC;
- (2) To identify, protect and enhance districts, sites, buildings, structures and objects which represent or reflect distinctive and important elements of the city's historic, cultural and architectural heritage;
- (3) To stabilize and improve property values in such locations;
- (4) To encourage the conservation and preservation of neighborhoods having distinct historic, cultural or architectural characteristics;
- (5) To foster civic pride in the beauty and noble accomplishments of the past;

- (6) To protect and enhance the city's attractions for tourists and visitors and provide incidental support and stimulus to business and industry;
- (7) To promote the use of the historic landmarks and historic districts for the culture, economy, education and welfare of the city;
- (8) To make the preservation of historic places an integral part of planning for land use, economic development, housing and transportation;
- (9) To adopt organizational, regulatory and incentive mechanisms to facilitate preservation, and provide the leadership to make them work;
- (10) To develop revitalization strategies that capitalize on the existing assets of historic neighborhoods and commercial areas;
- (11) To ensure that policies and decisions on community growth and development respect the community's heritage and enhance overall livability;
- (12) To provide resources and information to aid and promote historic preservation; and
- (13) To establish an archive at the Independence Public Library, preserving the history of Independence and the surrounding area.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-3. - Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. The word "shall" is mandatory and not directory.

Accessory structure: A subordinate structure or portion of the main structure, located on the same property and the use of which is clearly incidental to that of the main structure or to the use of the property on which it is located. Customary accessory structures include, but are not limited to, garages, carports, garden houses, small storage sheds and children's playhouses.

Adjacent structures/parcels: A structure or parcel having a common parcel boundary or located immediately next to a structure or parcel.

Administrator: The designated individual assigned by the city manager to administer, interpret and enforce this chapter.

Adaptive use: The process of changing the use of a structure or property to a use other than that for which the structure or property was originally designed.

Alteration: As applied to a structure, a change or rearrangement in the structural parts of an existing structure. Enlargement, whether by extending a side, increasing the height, or moving from one location or position to another shall be considered an alteration.

Building: A structure, such as a house, barn, church, hotel, courthouse, city hall, social hall, commercial building, library, factory, mill, train depot, theater, school, store or similar construction, created to shelter any form of human activity. The term also may refer to a small group of buildings consisting of a main building and subsidiary buildings which constitute a historically and functionally related unit such as a courthouse and jail, house and barn, mansion and carriage house, church and rectory, and farmhouse and related outbuildings.

Certificate of appropriateness: A certificate issued by the IHPRC, or on appeal by the city commission, approving plans for alteration, construction, demolition or other matters relating to historic properties.

City: The municipal corporation named the City of Independence, Kansas.

City commission: The Board of City Commissioners of Independence, Kansas.

Contributing: A building, site, structure or object which adds to the architectural qualities, historic association or archeological values of a site or district for which a property is significant because:

- (1) It was present during the pertinent historic time;
- (2) It possesses integrity and reflects significant historic character or is capable of yielding important information about the pertinent historic period; or
- (3) It independently meets the standards and criteria of this chapter.

District: An area that possesses a significant concentration of, relationship between, or continuity of sites, buildings, structures or objects united historically or architecturally by plan or physical development. Districts may include college campuses, the downtown area, residential areas, commercial areas, industrial complexes, civic centers, planned street systems and large related sites, buildings, structures or objects which are geographically separated. In such cases, visual continuity should not be necessary to convey the historic relationship of a group of related resources.

Exterior feature: Elements and components of the outer surface of a structure including, but not limited to, building materials, windows, outside doors, outdoor light fixtures, attached signs, fixtures, carvings, columns, railings, stairs and steps, retaining walls, fences and fence posts, hitching posts, decorations, dormers, chimneys, false fronts, paint colors, surface textures or parapets.

Governing body: The City Commission of Independence, Kansas.

Historic preservation: The study, identification, protection, restoration and rehabilitation of buildings, sites, structures, objects, districts and areas significant to the history, architecture, archeology or culture of the city, state or nation. Preservation may include work to halt the process of decay, normal maintenance and other measures to retain and sustain the nature, form, material and integrity of historically or architecturally important properties, structures or districts.

Historic reconstruction: The reproduction of the exact form and detail of a vanished building, site, structure or a part thereof, as it appeared at a pertinent time using materials based on precise historical documentation and specification, including construction method.

Historic restoration The accurate reconstruction of structural elements matching the original construction method and material in shape, size, texture, including removal of materials that are not appropriate to the structure.

Historic site: The location of a significant event, prehistoric or historic occupation or activity, building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural, or archeological value, regardless of the value of any existing structure.

Independence Register of Historic Places: The current Independence Register of Historic Places as prepared, approved and amended by the IHPRC and authorized by this chapter.

Interior features: Elements and components of the inside of a structure including, but not limited to, building materials, inside doors, door and window moldings, wall covering, paint colors, indoor light fixtures, lamps, furniture, draperies, fireplace hearths, stairways, appliances, heating and ventilating equipment, carvings, columns, railings, decorations and surface textures.

Landscape feature: Any element or component of outdoor open space including, but not limited to, fences, walls, retaining walls, gates, sidewalks, walkways, driveways, parking lots, patios, terraces, decks, ground covers, trees, plants, outdoor furniture, exterior light standards, fountains, statuary, detached signs and other such elements.

Noncontributing: A building, site or object that does not add to the architectural qualities, historic association or archeological values of a historic place or district because:

- (1) It was not present during the pertinent historic time;
- (2) Due to alterations, disturbances, additions or other changes, it no longer possesses integrity, reflects its significant historic character or is capable of yielding important information about the pertinent period; or
- (3) It does not independently meet the standards and criteria of this chapter.

Normal maintenance and repair: Any improvement or work for which a building permit is not required by city ordinance.

Object: Those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. While an object may be movable by nature or design, it should be located in a specific setting or environment appropriate to its significant historic use, role or character. Objects include sculptures, monuments, street signs, fence posts, hitching posts, mileposts, boundary markers, statuary and fountains.

Owner: All owners of record of fee simple title as determined by publicly filed records.

(Ord. No. 3888, § 1, 10-24-02)

Secs. 50-4—50-50. - Reserved.

ARTICLE II. - INDEPENDENCE HISTORIC PRESERVATION AND RESOURCE COMMISSION

Sec. 50-51. - Membership and appointment.

The Independence Historic Preservation and Resource Commission shall consist of seven members who shall be appointed by the mayor subject to confirmation by a majority vote of the governing body of the city. Members whose terms have expired shall continue to serve until their successors have been appointed. The following qualifications shall apply to appointees to the IHPRC:

- (1) All appointees shall be residents of the city.
- (2) All appointees shall be persons who have demonstrated interest, knowledge or training in fields closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, archeology, planning, real estate, law, finance, building trades, urban design and geography.
- (3) Not less than three appointees shall be composed of persons who are engaged in or retired from preservation-related professions such as archeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic preservation planning, historic preservation and history; provided, however, that upon a demonstration that the required number of positions for preservation-related professionals could not be filled despite a reasonable effort to do so, the governing body may waive this requirement. What constitutes a reasonable effort to fill such positions shall take into consideration the possibility that the absence of certain preservation-related professions on the IHPRC may necessitate the retaining of consultants.

(Ord. No. 3888, § 1, 10-24-02; Ord. No. 4101, § 1, 6-9-11)

Sec. 50-52. - Terms.

The terms of office for the initial members shall be as follows:

One year term Two members

Two year term Two members

Three year term Three members

Thereafter, all terms shall be for a three year period commencing on January 1 and terminating on December 31, three years hence.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-53. - Officers.

The IHPRC shall annually elect a chairman and vice-chairman from its members. The administrator shall serve as secretary of the IHPRC. In the absence of the chairman and vice-chairman, the secretary of the IHPRC may convene a meeting of the IHPRC. In such case, the first order of business shall be to elect a temporary chairman who shall conduct the meeting. The chairman and vice-chairman shall serve for a term of one year. The chairman and vice-chairman may succeed themselves.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-54. - Rules of procedure.

The IHPRC shall adopt bylaws and/or rules of procedure. The rules of procedure shall specify attendance requirements and cover potential conflicts of interest for members. Minutes of all meetings shall be kept by the administrator and shall be available for public inspection. The administrator shall provide a copy of the approved minutes for each IHPRC meeting to the state historic preservation officer.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-55. - Meetings.

The times, dates and locations of IHPRC meetings may be established by the chairman or a majority of the IHPRC members. The IHPRC shall meet at least quarterly. The chairman or, in the absence of the chairman, the vice-chairman, shall approve meeting agendas before the meeting. A simple majority of the IHPRC members shall constitute a quorum of the IHPRC. There must be a quorum present before the IHPRC may take any formal action but the IHPRC may discuss items of business in the absence of a quorum.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-56. - Annual report.

The IHPRC shall prepare an annual report of its activities. The report shall be prepared not later than August 1 of each year and shall pertain to the period of July 1 through June 30. The report shall be submitted to the city commissioners and the state historic preservation officer not later than August 1 of each year. The report shall include:

- (1) A report on the number and types of cases reviewed and their disposition;
- (2) A list of new historic designations made during the year;

- (3) A list of new appointments to the IHPRC and the resumes of these new members;
- (4) The attendance records of IHPRC members;
- (5) A list of educational meetings attended by each IHPRC member;
- (6) All minutes of meetings at which state and/or national register nominations were considered;
and
- (7) The goals and objections for the coming year.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-57. - Ex-officio members.

A representative designated by any of the following organizations may sit on the IHPRC as an ex-officio member:

- (1) Independence Planning and Zoning Commission;
- (2) Independence Main Street;
- (3) Independence Museum; and
- (4) Independence Chamber of Commerce.

Ex-officio members shall not have voting power, but may assist the IHPRC in its various functions.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-58. - Committees and subcommittees.

The IHPRC may establish such committees or subcommittees as deemed necessary or convenient to carry out its various functions and duties. Such committees or subcommittees may be made up in part by members of the IHPRC and may meet upon such schedule and for such purposes as established by the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-59—50-75. - Reserved.

ARTICLE III. - POWERS AND DUTIES OF THE INDEPENDENCE HISTORIC PRESERVATION AND RESOURCE COMMISSION

Sec. 50-76. - [Powers and duties].

The IHPRC shall have the power and authority to do the following:

- (1) Adopt its own bylaws and procedures related to the conduct of its meetings and implementation of this chapter.
- (2) Conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or city.
- (3) Identify "historic structures", historic sites" and "historic districts" that are eligible for listing on the Independence Register of Historic Places.
- (4) Make decisions on applications for designation of properties having historic, community or architectural value as "historic structures" or "historic sites", and make recommendations to the city commission on applications for designation of "historic districts."
- (5) Research and recommend to the city commission an appropriate system of markers for designated historic structures, historic sites and historic districts.
- (6) Prepare comments on any nominations to the state register of historic places or the national register of historic places. Such comments shall be subject to the approval of the city commission before being submitted.
- (7) Inform and educate the citizens of Independence concerning the historic and architectural heritage of the city and advise and assist owners of designated historic structures, historic sites or historic districts of physical and financial aspects of preservation, rehabilitation and restoration by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs, workshops and seminars.
- (8) Review and act upon applications for certificates of appropriateness.
- (9) Make recommendations to the city commission regarding funding for the purpose of carrying out the duties and powers of the IHPRC and the purposes of this chapter.
- (10) Make recommendations to the city commission regarding the hiring of such specialists or consultants, or recommend appointing such citizen advisory committees, as may be required from time to time.
- (11) Make comments to other city boards and commissions on any matter affecting historic structures, historic sites and historic districts.
- (12) Periodically make recommendations to the city commission regarding actions the IHPRC deems appropriate for the protection and continued use of historic structures, historic sites and historic districts.
- (13) Participate in a historic preservation-related educational programs.
- (14) Perform duties delegated to it pursuant to any agreement reached between the state historic preservation officer and the city commission.
- (15) Recommend local incentives to encourage historic designation within the city.

(16) Apply for and receive gifts, grants and bequests subject to the approval of the city commission.

(17) Undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this chapter.

(Ord. No. 3888, § 1, 10-24-02)

Secs. 50-77—50-95. - Reserved.

ARTICLE IV. - SURVEY AND INVENTORY

Sec. 50-96. - Survey.

The IHPRC shall conduct an ongoing survey to identify structures, sites and districts that have historic, cultural or architectural importance or value to the community. The survey may review and evaluate any prior surveys and studies by a public or private organization and compile appropriate descriptions, facts and photographs and be consistent with the methods and forms provided by the Kansas State Historical Society.

The IHPRC shall evaluate the information compiled through survey efforts and systematically identify properties that are potentially eligible for designation as indicated by survey results.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-97. - Inventory.

The IHPRC shall create, and maintain a detailed inventory of properties surveyed and evaluated for potential eligibility for designation. The inventory shall be maintained in a form compatible with the requirements of the Kansas State Historical Society and the Kansas Comprehensive Historic Preservation planning process.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-98—50-130. - Reserved.

ARTICLE V. - DESIGNATION OF SIGNIFICANT HISTORIC STRUCTURES, HISTORIC SITES AND HISTORIC DISTRICTS

Sec. 50-131. - Designations.

There is hereby established the Independence Register of Historic Places which shall include all historic structures, historic sites and historic districts designated as significant pursuant to this chapter.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-132. - Application for Independence designation.

To obtain historic designation an application shall be filed with the IHPRC as follows:

- (1) Nomination of a historic structure, a historic site or a historic district for placement on the Independence Register of Historic Places shall be made to the IHPRC on an application prepared by the IHPRC and may be made by any person or entity.
- (2) The application shall contain the following information in addition to such other information deemed necessary and advisable by the IHPRC:
 - a. The legal description and address of the pertinent structures and/or properties;
 - b. Name and address of the owner(s);
 - c. The approximate date of the original construction and the date of any major improvement or alteration, if known;
 - d. The names of the architect and builder, if known;
 - e. The names of the original owner or occupant, if known;
 - f. A statement of why the property is historically or architecturally important;
 - g. A list of sources that document the historical significance; and
 - h. Black and white photographs of the structures and/or property(s).
- (3) No application for designation of a historic structure or historic site shall proceed forward unless all owners have consented in writing to the designation. No application for designation of a historic district shall proceed forward unless both 51 percent of the owners of property within the nominated district and the owners of 51 percent of the property within the nominated district have consented in writing to the designation.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-133. - Public hearing procedure.

- (a) *Public hearings.* The IHPRC shall conduct a public hearing on each property nominated for designation at a reasonable time and place established by the IHPRC. The hearing shall be held no later than 60 days following receipt of a completed application. The hearing may be held during a regular meeting of the IHPRC or during a special meeting of the IHPRC called in part for that purpose.
- (b) *Notice of hearing.* At least 20 days in advance of the public hearing, notice shall be published in the official city newspaper. The notice shall state the date, time and place of the hearing and contain the street address and legal description of the nominated property. The IHPRC shall also

send by regular first class mail a written notice of the public hearing containing the same information as the published notice to the owners of all properties nominated for designation at least 20 days prior to the hearing.

- (c) *Conduct of hearing.* The hearing shall be conducted by the IHPRC. Any person or entity may attend and participate in the meeting in person, by agent or by attorney subject to reasonable rules of order adopted by the IHPRC.
- (d) The public hearing may be continued from time to time as the IHPRC deems necessary to fully explore all issues relevant to the nomination. Once the notice requirements have been satisfied, the notice procedure need not be repeated as to the continuation of the public hearing on another date. Notice of the date, time and place of such public hearing continuation shall be announced at the time of the initial public hearing.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-134. - Findings and criteria for designation.

The IHPRC shall, based upon evidence submitted at the hearing, make a decision as to whether or not a nominated structure or site should be designated historic and shall make a recommendation to the city commission as to whether a nominated district should be designated historic. The IHPRC shall make findings in support of its decision or recommendation for designation that such structure, site or district has sufficient integrity of location, design, materials, workmanship or association to make it worthy of preservation or restoration; and that it possesses significant historical, archeological and/or architectural qualities and thus qualifies for designation pursuant to one or more of the following criteria:

Note— The following shall hereafter be referred to as the "Criteria for Designation".

- (1) Prior designation of historic sites, including, but not limited to, the national register of historic places and the state register of historic places;
- (2) Identification with a person or persons who significantly contributed to the culture and development of the city, county, region, state or nation;
- (3) Identification as the work of an architect, designer or master builder whose individual work has influenced the development of the city, county, region, state or nation;
- (4) Character, interest or value as part of the development, heritage or culture of the city, county, region, state or nation;
- (5) Location of the site as a significant historic event;
- (6) Exemplification of the cultural, economic, social or historical heritage of the community;
- (7) Portrayal of the environment of a group of people in an era of history characterized by distinctive architectural style or sequence of styles;
- (8) Embodiment of distinguishing characteristics of an architectural type or specimen;

- (9) Embodiment of elements of architectural design, detail, materials or craftsmanship which represents a significant architectural innovation;
- (10) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, culture or architectural motif;
- (11) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city;
- (12) Archeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest; and
- (13) Value as an aspect of community sentiment and/or public pride.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-135. - Decisions and recommendations of IHPRC.

Within 30 days after the close of the public hearing, if the IHPRC finds that the evidence submitted at the hearings meets the criteria for designation, it shall render a decision that the nominated historic structure or historic site or a recommendation to the city commission that the nominated historic district meets the criteria for designation as a historic structure, historic site or historic district. The decision or recommendation shall be accompanied by the following information:

- (1) Explanation of the integrity of the nominated historic structure, historic site or historic district as it relates to the criteria for designation.
- (2) Explanation of the significance of the nominated historic structure, historic site or historic district as it relates to the criteria for designation.
- (3) The IHPRC shall also set forth the following:
 - a. The significant architectural features of the nominated historic structure, historic site or historic district that should be protected;
 - b. The types of construction, alteration, demolition and removal that should be reviewed for appropriateness;
 - c. Proposed design guidelines for applying the criteria for designation to certificates of appropriateness for the nominated historic structure, historic site or historic district;
 - d. The relationship of the nominated historic structure, historic site or historic district to the ongoing effort of the IHPRC to identify and designate historic structures, historic sites and historic districts that meet the criteria for designation;
 - e. Recommendations as to appropriate height and area regulations, setbacks, minimum dwelling size, floor area, sign regulations and parking regulations necessary or appropriate to the preservation of the nominated historic structure, historic site or historic district; and

- f. A map showing the location of the nominated historic structure or historic site and the boundaries of the nominated historic district.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-136. - Consideration of nominations for historic districts by the city commission.

The city commission shall, after receiving the recommendation from the IHPRC, either designate historic district or reject the recommendation. If the city commission rejects the recommendation, it shall provide to the IHPRC with reasons for rejection of the nomination.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-137. - The designation ordinance.

Once a structure or site has been designated historic by the IHPRC or a district has been designated by the city commission, the designation shall be made effective by adoption of a designation ordinance by the city commission. The designation ordinance shall set forth the design guidelines for applying the criteria for designation, significant architectural features, the types appropriateness, height and area regulations, setbacks, minimum dwelling size, sign regulation and parking regulation in order to establish a baseline for future consideration of an application for certificate of appropriateness with regard to the property. The city clerk shall provide a copy of the designation ordinance by regular mail to the owner(s) of the historic structure, historic site or historic district. The failure of the city clerk to provide a copy of the designation ordinance to the owner(s) of record does not nullify the designation ordinance.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-138. - Interim control.

No building permit shall be issued by the city for alteration, construction, demolition or removal of a nominated historic structure, historic site or property within a historic district from the date a completed application is first presented to the IHPRC until the final disposition of the nomination by the city commission unless alteration, removal or demolition is authorized by formal resolution of the city commission. Notwithstanding the foregoing, any application for a building permit that complies with all other applicable ordinances shall not be denied if more than 180 days have passed since a completed application is presented to the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-139. - Denial of designation.

A determination by the IHPRC that the nominated structure, site or district does not meet the criteria for designation shall be a final administrative decision. Rejection of a recommendation for designation of a district by the city commission shall be a final administrative decision. Nominations for structure, sites and districts which have been denied designation within the prior 12-month period will not be considered by the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-140. - Amendment and re[s]cission of designation.

A designation may be amended or rescinded upon petition to the IHPRC and compliance with the same procedure and according to the same criteria set forth herein for designation. The fact that the applicant or subsequent owner(s) no longer desire to have the property designated historic does not create a mandatory obligation upon the IHPRC to rescind the designation, but such fact shall be considered along with all other criteria.

(Ord. No. 3888, § 1, 10-24-02)

Secs. 50-141—50-164. - Reserved.

ARTICLE VI. - CERTIFICATION OF APPROPRIATENESS

Sec. 50-165. - Certificates of appropriateness.

No person shall undertake the demolition or alteration of any historic structure, historic site or property within a historic district without first obtaining a certificate of appropriateness, provided however, the City of Independence shall be exempt from the requirement of a certificate of appropriateness.

- (1) A certificate of appropriateness shall be required for designated historic structures for the following types of construction, alternation or demolition:
 - a. Demolition requiring a permit;
 - b. Alterations of exterior features/materials identified as significant in the ordinance designating the historic structure;
 - c. Construction of new structures;
 - d. Alterations of the building site; and
 - e. Alterations of spaces, features and finishes within designated interiors.
- (2) A certificate of appropriateness shall be required for designated historic sites for the following types of construction, alteration or demolition:

- a. Demolition requiring a permit;
- b. Alterations of features/materials identified as significant in the ordinance designating the historic site;
- c. Construction of additions; and
- d. Construction of new structures.

(3) A certificate of appropriateness shall be required for properties within designated historic districts for the following types of construction, alteration or demolition:

- a. Demolition requiring a permit;
- b. Alterations of features/materials identified as significant in the ordinance designating the historic district; and
- c. Construction of new structures.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of a structure or site.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-166. - Applications for certificates of appropriateness.

Application for a certificate of appropriateness shall be made on a form approved by the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-167. - Consideration and approval of certificates of appropriateness.

The IHPRC shall review the application for a certificate of appropriateness and determine whether issuance of a certificate of appropriateness should be approved or denied within 45 days of receipt of the application. If the application for a certificate of appropriateness complies with the designation ordinance and the criteria for designation, the IHPRC must approve the certificate of appropriateness. The IHPRC may also approve the issuance of a certificate of appropriateness if the applicant agrees to meet specific conditions with regard to modifications to the proposed project so that it complies with the designation ordinance and the criteria for designation. Written notice of the approval of the application for a certificate of appropriateness, with conditions if applicable, shall be provided to the applicant within seven working days following the determination and shall be accompanied by a certificate of appropriateness.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-168. - Denial of a certificate of appropriateness.

If the application for a certificate of appropriateness does not comply with the designation ordinance or the criteria for designation and the applicant does not agree to meet specific conditions with regard to modification to the proposed project so that it complies with the designation ordinance and the criteria for designation, the IHPRC must not approve the certificate of appropriateness. A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The IHPRC shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the IHPRC to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the applicant and the IHPRC. The applicant may resubmit an amended application that takes into consideration the recommendations of the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-169. - Criteria to determine appropriateness.

The IHPRC shall adopt principles and guidelines establishing criteria for new construction, alterations, additions, moving and demolition of structures, sites, objects or properties in a historic district. Criteria includes, but is not limited to:

- (1) Specific design criteria for exterior alterations of historic properties or historic districts shall be based on the U.S. Secretary of the Interior's Standards for Rehabilitation as published in Section 36, Code of Federal Regulations, Part 67 as revised from time to time, and by further reference to such specific design criteria as the IHPRC may require.
- (2) New construction and additions to existing structures shall be sensitive to and take into account the special historic district or historic characteristics including height, scale, orientation, site coverage, spatial separations, facade and window patterns, entrance and porch size and general design, materials, texture, color, architectural detail, roof forms, vertical or horizontal elements, wall, fences, landscaping and other features.
- (3) An application for certificate of appropriateness for purposes of demolition shall be delayed for a period not to exceed 180 days. The maximum period of delay may be reduced whenever the IHPRC determines the owner will suffer extreme hardship or will be deprived of all beneficial use of the property by virtue of the delay. In either instance, the IHPRC shall use the delay to negotiate with the owner and interested parties to find a means to preserve the historic property.
- (4) For those structures or property(ies) that have been designated as a historic structure, or structures located in a historical district, which are being considered for condemnation as a dangerous and unsafe structure under K.S.A. 12-1750 et. seq., or a similar city ordinance, the IHPRC shall be considered an interested party and the city shall be required to give the IHPRC the same notice required to be given to the owner of the property. The IHPRC shall prepare a

recommendation of whether the structure should be condemned as dangerous and unsafe and what alternatives are available for repair of the structure. The report shall be submitted at the date and time specified by the city commission for a public hearing.

- (5) Existing characteristics shall include trees, walls, paving materials, fencing, walkways and other site features that reflect the historic property(ies) significance or protected from demolition or alteration.
- (6) Landscaping shall be appropriate to the scale and feature of the historic property.
- (7) Accessory structures shall be appropriate to and compatible with the architectural features of the primary structure. Noncontributory structures shall not distract from the historic property(ies).
- (8) Archeological sites will be protected and preserved.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment.
- (10) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-170. - Application.

A copy of every application for a building or demolition permit received by the city, including any accompanying plans and specifications affecting the exterior architectural appearance of a designated historic property or structure in a historic district shall be forwarded by the building official to the administrator who shall initiate an application for a certificate of appropriateness. The city's building inspector shall not issue a building or demolition permit until a certificate of appropriateness has been issued by the IHPRC, unless the structure has been determined to be unsafe and dangerous pursuant to K.S.A. 12-1750, et. seq., or a similar city ordinance.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-171. - Appeal.

The applicant for a certificate of appropriateness may appeal the denial of the certificate of appropriateness to the city commission by filing a notice of appeal with the city clerk within 30 days of the date the IHPRC denies the certificate of appropriateness. The city commission shall conduct a hearing within

30 days. The city commission shall base its decision on the same guidelines as set forth in section 50-167 above and shall either approve or deny the certificate of appropriateness in the same manner specified in sections 50-167 and 50-168 above.

(Ord. No. 3888, § 1, 10-24-02)

Secs. 50-172—50-195. - Reserved.

ARTICLE VII. - ADMINISTRATION

Sec. 50-196. - Preservation fund.

- (a) There is hereby established the Independence Preservation Fund (the "fund"). The fund shall be administered as directed by and according to any limitations and regulations imposed by the city commission and according to state law. The city may apply for, receive and place in the fund any federal, state or private fees, grants, grants-in-aid, gifts or bequests. The city may budget and incorporate city revenues into the fund. Fees and fines imposed according to this chapter shall be placed in the fund.
- (b) The IHPRC may recommend the use of the fund for:
 - (1) The purchase of fee simple title to a historic property or properties;
 - (2) The purchase of preservation easements regarding a historic property or properties;
 - (3) The purchase of fee simple title to a historic property or properties with the eventual objective of property resale to a preservation association;
 - (4) Payment of installments and any fees according to a contract to purchase fee simple title to a historic property, or a preservation easement;
 - (5) Grants and/or loans to owners, developers and organizations for preservation and/or rehabilitation of a historic property or properties;
 - (6) Grants and/or loans to organizations for programs and projects designed to achieve one or more of the purposes of this chapter;
 - (7) The maintenance of a historic property, properties or the maintenance of preservation easements;
 - (8) The costs of conducting and preparing surveys of historically and architecturally important buildings, sites, structures, objects and districts;
 - (9) The costs of the preparation and presentation of reports, instructions, brochures, meetings maps, press releases, conferences, and other measures designed to acquaint citizens owners, and developers with the purpose of this chapter, and
 - (10)

Reasonable administrative, planning, architectural, engineering, financial, real estate, appraisal and/or legal costs associated with the purchase of property, the purchase and enforcement of preservation easements, the sale of property, the negotiation of contracts and the preparation of grant applications and legal actions.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-197. - Fees.

- (a) An application fee for designation of a historic property may be established by resolution of the city commission.
- (b) An application fee for a certificate of appropriateness may be established by resolution of the city commission.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-198. - Enforcement.

- (a) In the event that an improvement is made to any structure or property or any structure or property is demolished or cleared in violation of the provisions of this chapter, the city commission may institute an appropriate action or proceeding to prevent or abate such unlawful action. The imposition of any penalty hereunder shall not preclude the city from instituting a proper action or proceeding to require compliance with the provisions of this chapter and with administrative orders and determinations made hereunder.
- (b) The administrator shall give written notification of any violation of this chapter to the property owner, lessee, trustee or other legally responsible party. The notification shall describe and explain in clear, precise terms the nature of the violation. The property owner, lessee, trustee or other legally responsible party shall have 30 days to correct the violation or give satisfactory evidence that steps have been taken that will lead to correcting the violation within a specified time period. The administrator must agree that the stated period of time is fair and reasonable.
- (c) The city may take the necessary steps to correct a violation of this chapter in the event that notification of the violation has been given and the 30 day time period has elapsed. The cost of correcting a violation by the city may be assessed against the owner, lessee, trustee or other legally responsible party of the property and/or as a special assessment against the property on which the pertinent structure is located. The city clerk may cause the same to be extended on the tax rolls of the county against the pertinent lot or parcel of land.
- (d) Any person violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor, punishable by up to a \$1,000.00 fine or six months in jail, or both such fine and imprisonment. Each day during which any such violation is committed, continued or permitted shall constitute a separate offense.

- (f) The city commission may bring action to require the rebuilding or restoration of a building, site, structure or object, or any part thereof, by a person who alters or improves any building, site, structure or object, or any part thereof, in violation of the provisions of this chapter. Such action shall be in addition to and not in lieu of any criminal prosecution and penalty.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-199. - Severability.

If any section, sentence or phrase of this chapter or its application in a specific instance is found to be invalid, the remainder of this chapter shall remain in full force and effect.

(Ord. No. 3888, § 1, 10-24-02)

SIGNAGE EXAMPLES



STEPS TO GET A SIGN OR AWNING APPROVED

1. Study the Zoning Regulations- the Zoning Administrator must adhere to these restrictions:

- PERMIT** (803.10) No sign can be installed until a sign permit has been issued by the City of Independence.
- WALL SIGNS** (802.6) The sign cannot exceed 5% or 50 square feet of the total surface area, whichever is smaller.
- CORNER BUILDINGS** (802.6) Allowed one sign per wall. Must also follow "Wall Sign" regulations.
- AWNINGS, CANOPIES, AND MARQUEES** (802.6) The sign shall not exceed more than 10% of the total surface area of the awning, canopy or marquee.

2. The Independence Historic Preservation and Resource Commission (IHPRC) must base their decisions on the Secretary of Interior Standards. Consider these suggestions that signs and awnings should be:

- Harmonious with the character of the building in size, scale and design.
- Distinctive, creative (with images and graphics) and simple (4-6 words).
- Pedestrian-oriented that respects neighboring buildings
- Mounted in such a way not to damage, alter or obscure historic architectural features. (Both the Independence Main Street Office and the IHPRC are more than willing to assist with designing appropriate signs and awnings for historic buildings.)

3. With the assistance of a professional, provide a detailed sketch with dimensions, colors and placement of the proposed sign or awning, along with the application, to the City of Independence.

4. Both the Zoning Administrator and the IHPRC must approve the sign or awning. Once approved by both, a permit will be issued. Then go to a company to have the approved sign or awning constructed and installed.

If you have any questions regarding signs and awnings, the application process, or ordinances, please contact:

City of Independence
(620) 332-2500

Independence Main Street Office
(620)331-2300

“Preservation is not about longing for the past or resisting progress. It’s about building on the past toward the future.”

-Sharon Shea Miller
San Antonio Historic Preservation Officer

Need Ideas on Signs?
Check these websites for helpful ideas!

www.pinterest.com

www.thesignchef.com

www.designshack.net

www.fastsigns.com

Look at these cities for examples:

Salt Lake City, Utah

Saratoga Springs, New York

San Antonio, Texas

Iowa City, Iowa



Illustrations: Tom Frost of Frost Hurff Architects

GUIDELINES FOR SIGNS & AWNINGS IN HISTORIC DOWNTOWN



**REQUEST FOR ECONOMIC DEVELOPMENT
ADVISORY BOARD ACTION
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Finance

Prepared By Lacey Lies

AGENDA ITEM Extension of Services Policies

SUMMARY RECOMMENDATION

BACKGROUND

SUGGESTED MOTION

SUPPORTING DOCUMENTS

1. 1979 EXT OF SERVICE POLICY
2. 1996 EXT OF SERVICE POLICY

CITY OF INDEPENDENCE, KANSAS

POLICY FOR EXTENSION OF SERVICES

Adopted

August 21, 1979

PLATTING REQUIREMENTS AS CONDITION
FOR EXTENSION OF PUBLIC SERVICES

- SECTION 1. GENERAL CONDITIONS: Any development of three or more houses or an area greater than one-half acre shall be platted before any public services are extended.
- SECTION 2. PLATTING REQUIREMENT: The platting requirements and procedures will be as specified in the city's subdivision regulations.
- SECTION 3. PLAT REVIEW: All development sketch plans or preliminary plat shall be submitted to the City Engineer's office for review and comment at least twenty (20) days prior to the date it will be placed on the agenda of the Planning and Zoning Commission.

POLICY FOR THE EXTENSION OF WATER SERVICES
CITY OF INDEPENDENCE, KANSAS

- SECTION 1. GENERAL: The City of Independence may extend water distribution lines to residential, commercial and industrial customers subject to the conditions contained in the following sections. It is the policy of the Governing Body to limit water service extensions to only those tracts of land lying within the corporate boundaries of the City of Independence, except Rural Water Districts, organized under the laws of the State of Kansas may be served by contractual agreements approved by the Governing Body.
- SECTION 2. CITY-AT-LARGE IMPROVEMENTS AND RESPONSIBILITIES: The city-at-large may finance the construction of all water supply facilities, treatment facilities, pumping stations, storage reservoirs, elevated storage facilities, fire hydrants on public land and appurtenances thereto, and all water distribution lines, and will maintain and operate such facilities and distribution lines.
- SECTION 3. RIGHT OF THE CITY TO REFUSE WATER SERVICE EXTENSIONS: The City reserves the right to refuse water service extensions, or to limit water service, where such extension jeopardizes water service to existing users or is financially impractical for the City to maintain or construct the new water lines with available City resources. However, the

City Commission may authorize a developer to construct or contract for the construction of water lines if the following conditions are met:

- (1) All plans and specifications are approved by the City Engineer;
 - (2) The developer agrees to pay for construction and engineering costs of the project; and
 - (3) Developer agrees to comply with Sections 8, 9 and 12.
- Inspection of all water line installations shall be performed by the City Engineer or his duly authorized representative.

SECTION 4. FIRE HYDRANTS LOCATED ON PRIVATE PROPERTY: Fire hydrants located on private property and all line extensions to serve said hydrants shall be paid for by the user or developer and shall be installed and maintained by the user or developer in accordance with City standards.

SECTION 5. COMPLIANCE WITH SUB-DIVISION REGULATIONS: Water distribution lines will be extended into areas in which lines are requested only if there is an approved plat or if said areas are in compliance with the sub-division regulations.

SECTION 6. SEWAGE DISPOSAL REQUIREMENTS: Water service shall not be extended to any user until provisions have been made to meet the sewage disposal requirements specified in the sub-division regulations and sewer use ordinance (Ord. #3325) and any amendments thereto. All central sanitary sewer improvements shall be designed and approved by the City to

connect into the City sewerage system when that system is available. Prior to commencement of any construction on proposed lot or tracts, the method of financing such sewerage improvements shall be assured and approved in writing by the City as provided in the sub-division regulations. The City Engineer's office and the Kansas Department of Health and Environment shall review and approve all plans for construction of sewerage facilities.

SECTION 7. COMPLIANCE WITH CITY CONSTRUCTION STANDARDS: All water distribution lines, mains, valves, private fire hydrants, and appurtenances thereto shall be constructed in accordance with plans and specifications prepared and/or approved by the City Engineer or his designated representative. The City may elect to construct or contract for the construction of all water lines.

SECTION 8. COMPLIANCE WITH CITY CODES: Water service may be refused to any user whose construction is not in accordance with the applicable codes of the City.

SECTION 9. OWNERSHIP OF LINES: Upon completion of the installation of any lines required herein, said lines shall be dedicated to the City and the City shall retain complete ownership and control of said lines. The City shall have the right to add users to extensions and to add new extensions without the consent of any party contributing to the cost of the original construction.

SECTION 10. INDUSTRIAL DEVELOPMENT: The City may, at its option, make or permit water line extensions to special institutional,

commercial, or industrial users inside or outside the city limits where contractual or estimated revenues will justify the cost of such extensions and where said users will not overburden the water supply with excessive future demands.

SECTION 11. UNUSUAL PRESSURE AND FLOW CONDITIONS: The City will provide water service at the pressures existing in the water system. Any user requiring pressures higher or lower than normally maintained in the system or requiring abnormal quantities of water shall provide the additional equipment required such as pressure reduction devices, pumps, and storage facilities on the project site and may be required to pay for any additional expense to the City in providing additional transmission lines or other facilities required to meet the abnormal needs. Said additional lines or facilities shall be paid for either through contractual agreement or the payment for the additional construction. Service of a special nature will be rendered by contractual agreement, only at the option of the City, and under conditions which will not interfere with normal service to other users.

SECTION 12. SERVICE CONNECTIONS: When users are initially connected to a water main, the City shall make the tap and provide the meter, meter box and lid, and the meter setting equipment. The charge for the initial water connections shall be as established by the City Commission. The service line shall

have its point of beginning at the tap in the main and the City may be responsible for the installation and maintenance of the service line to 1' behind the curb line and the Water Department shall install a curb stop and meter box of suitable size.

SECTION 13. REPAIR OR REPLACEMENT OF SERVICE LINES: The City shall provide for the repair or replacement of existing service lines from 1' behind the curb stop to the main at no cost to the property owner. Only licensed plumbers may work on the City water system on public property; however, the City Water Department may do plumbing work on public property when deemed necessary.

SECTION 14. BASIS OF DETERMINING CONSTRUCTION COSTS: Construction costs shall include the cost of preparing engineering plans and specifications, acquisition of easements and right-of-way, supervision and inspection of the project, actual construction costs, cost of litigation, interest on temporary financing, and any other administrative costs the City shall incur as a result of the project.

SECTION 15. AMENDMENTS: This policy may be amended by action of the Governing Body.

POLICY FOR THE EXTENSION OF SANITARY SEWER LINES

CITY OF INDEPENDENCE, KANSAS

- SECTION 1. GENERAL: The City may extend sanitary sewer lines to residential, commercial and industrial users subject to the conditions contained in the following sections. It is the policy of the Governing Body to limit sewer extensions to only those tracts of land lying within the corporate boundaries of the City of Independence.
- SECTION 2. CITY-AT-LARGE IMPROVEMENTS: The city-at-large may finance the construction of interceptor mains, trunk mains and sewage treatment facilities, may finance that portion of the construction of a line in excess of eight inches (8"), may finance that portion of a force main or lift station that will service a greater area than the service area requested, and will maintain and operate all treatment facilities, pump stations and collection lines.
- SECTION 3. RIGHT OF CITY TO REFUSE LINE EXTENSIONS: The City reserves the right to refuse sanitary sewer line extensions where such extensions are financially impractical from a construction, maintenance or operational perspective.
- SECTION 4. DEVELOPER OR USER IMPROVEMENT: The developer or user shall pay for the installation of all gravity sanitary sewer lines eight inches (8") or less in size. If lift stations and force mains are required in order to serve said user, a benefit district may be established for the purpose of assessing the cost of such improvements. The City may

accept petitions for special assessment to finance the cost of such improvements unless otherwise excepted in this policy.

SECTION 5. SUB-DIVISION REQUIREMENTS: Sanitary sewer lines will be extended into areas in which lines are requested only if said areas are in compliance with the sub-division regulations.

SECTION 6. COMPLIANCE WITH CITY CONSTRUCTION STANDARDS: All sanitary sewer lines, force mains, lift stations and appurtenances thereto shall be constructed in accordance with plans and specifications prepared by or approved by the City Engineer. Plans and specifications shall be prepared based on design standards approved by the Governing Body. No contracts for construction shall be awarded and no construction shall be commenced until said plans and specifications shall have been approved by the City Engineer and the Kansas Department of Health and Environment. Inspection of all sanitary sewer line installations shall be performed by the City Engineer or his duly authorized representative.

SECTION 7. COMPLIANCE WITH CITY CODES: Sewer service may be refused to any user whose construction is not in accordance with the building and construction codes and regulations of the City.

SECTION 8. LINE EXTENSIONS TO ISOLATED SUBDIVISIONS AND USERS: The City may, at its option, serve isolated sub-divisions and users in which case the developer or user shall pay for all collection lines serving the sub-division or user from the

nearest existing line which the City deems adequate in size to serve such sub-division or user. Said connecting lines shall not be financed by special assessments. The City may assume the additional cost of the installation of lines in excess of eight inches (8").

SECTION 9. OWNERSHIP OF LINES: Upon completion of the installation of any lines required herein, said lines shall be dedicated to the City and the City shall retain complete ownership and control of said lines. The City shall have the right to add users to the extension and to add new extensions without the consent of any party contributing to the cost of the original construction.

SECTION 10. INDUSTRIAL DEVELOPMENT: The City may, at its option, make or permit sewer line extensions to special institutional, commercial, or industrial users where contractual or estimated revenue will justify the cost of such extensions and where said users will not overburden the collection or treatment facilities with excessive future demands.

SECTION 11. BASIS OF DETERMINING CONSTRUCTION COSTS: Construction costs shall include the cost of preparing engineering plans and specifications, acquisition of easements and right-of-way, supervision and inspection of the project, actual construction costs, cost of litigation, interest on temporary financing, and any other administrative costs the City shall incur as a result of the project.

SECTION 12. AMENDMENTS: This policy may be amended by action of the Governing Body.

POLICY FOR STORM DRAINAGE IMPROVEMENTS

CITY OF INDEPENDENCE

- SECTION 1. GENERAL: The City encourages the use of open storm drainage throughout the community.
- SECTION 2. CITY-AT-LARGE IMPROVEMENTS: The city-at-large may finance the construction of bridges, boxes, box culverts, culverts, inlets and manholes within the street right-of-way and may finance that portion of an open ditch, swale, concrete channel or pipe in excess of a ten year design storm.
- SECTION 3. DEVELOPER IMPROVEMENTS: The developer shall finance all drainage improvements required by a ten year design storm or less whether such improvements are open channel, concrete channel or pipe. The developer may use benefit district financing for storm drainage improvements if this method is approved by the City.
- SECTION 4. SUB-DIVISION REQUIREMENTS: A storm drainage plan including all calculations shall be prepared for all new subdivisions by a licensed professional engineer and submitted with all preliminary plats.
- SECTION 5. MAINTENANCE OF STORM DRAINAGE IMPROVEMENTS: All enclosed storm drainage improvements shall be maintained by the City. Open drainageways shall be protected by drainage

easements and said drainageways shall be mowed and maintained by the adjacent property owners. No buildings, non-drainage structures, fences or other similar obstructions shall be built or installed in drainage easements.

SECTION 6. COMPLIANCE WITH CITY CONSTRUCTION STANDARDS: All open and enclosed storm drainage improvements shall be constructed in accordance with plans and specifications prepared by or approved by the Engineering Department. Plans and specifications shall be prepared based on design standards approved by the Governing Body. No contracts for construction shall be awarded and no construction shall be commenced until said plans have been approved by the Engineering Department.

SECTION 7. BASIS OF DETERMINING CONSTRUCTION COSTS: Construction costs shall include the cost of preparing engineering plans and specifications, acquisition of easements and right-of-way, supervision and inspection of the project, actual construction costs, cost of litigation, interest on temporary financing, and any administrative costs the City shall incur as a result of the project.

SECTION 8. AMENDMENTS: This policy may be amended by action of the Governing Body.

POLICY FOR THE CONSTRUCTION OF STREET IMPROVEMENTS
CITY OF INDEPENDENCE, KANSAS

- SECTION 1. GENERAL: The City requires, as provided for in the subdivision regulations, the paving, signing, and street lighting of all streets within the City.
- SECTION 2. COMPLIANCE WITH CITY CONSTRUCTION STANDARDS: All streets, alleys, street signs, street lighting, and sidewalks shall be constructed or installed in accordance with plans and specifications prepared by or approved by the Engineering Department. No contracts for construction shall be awarded and no construction shall be commenced until said plans and specifications shall have been approved by the Engineering Department. Inspection of all street, alley, street sign, street lighting or sidewalk installation or construction shall be performed by the Engineering Department or its duly authorized representative.
- SECTION 3. BASIS OF DETERMINING CONSTRUCTION COSTS: Construction costs shall include the cost of preparing engineering plans and specifications, supervision and inspection of the project, actual construction costs, costs of easements, costs of litigation, interest on temporary financing, and any other administrative costs the City shall incur as a result of the project.
- SECTION 4. ARTERIAL STREETS: The developer or adjacent property owner shall pay for the construction of that portion of an arterial street that is equivalent to the local street standards as to curb and gutter, pavement width and pave-

ment thickness. Additional width of pavement, thickness of pavement and other construction in excess of the local street standards shall be paid for by the city-at-large. If, however, the lots adjacent to an arterial street have granted complete access control to the public and do not have direct driveway access to the arterial street, the city-at-large may assume the entire cost of the construction of the arterial street.

SECTION 5. COLLECTOR STREETS: The developer or adjacent property owner shall pay for the construction of that portion of a collector street that is equivalent to the local street standards as to curb and gutter, pavement width and pavement thickness. Additional pavement width, pavement thickness and other construction in excess of the local street standards may be paid for by the city-at-large.

SECTION 6. LOCAL STREETS AND ALLEYS: The developer or adjacent property owner shall pay for the construction of all local streets and alleys. The local streets and alleys shall be designed and constructed in accordance with standards approved by the Governing Body.

SECTION 7. INTERSECTIONS: The city-at-large may pay for the construction of street and alley intersections.

SECTION 8. METHOD OF FINANCING: The developer or adjacent property owner may contract with the City or a private contractor to build said streets, alleys, and sidewalks or may submit petitions to the City for the City to construct such

improvements and assess the costs against the property, as provided by law.

SECTION 9. STREET SIGNS: All traffic signals and street signs may be financed by the city-at-large.

SECTION 10. STREET LIGHTING: Street lighting may be financed by the city-at-large except decorative fixtures which will be financed by the developer or property owners.

SECTION 11. SIDEWALKS: Sidewalks, as required in the sub-division regulations, shall be installed by the developer in accordance with standards and specifications approved by the Governing Body. The developer may submit petitions for the City to construct such improvements and assess the costs against the property, as provided by law.

SECTION 12. BUILDING PERMITS: No building permit shall be issued on a lot on an unimproved street until such time as the street and utilities are installed or the installation of all required improvements has been guaranteed by a bond, petitions or other similar surety and until street grades have been established.

SECTION 13. AMENDMENTS: This policy may be amended by action of the Governing Body.

POLICY FOR THE ISSUANCE OF BUILDING PERMITS
IN RESIDENTIAL DEVELOPMENTS

- SECTION 1. GENERAL: No building permit shall be issued until the provisions of the sub-division regulations have been met.
- SECTION 2. ISSUE RESTRICTIONS: No building permits will be issued in the City of Independence until the construction or installation of water and sewer mains are complete and contracts have been awarded for street paving with the number of days established for completion of the project.
- SECTION 3. EXCEPTIONS: Persons authorized building permits before all essential utility services and streets are completed must comply with the following conditions:
- (a) Access to the building site is possible without interfering with a city improvement project.
 - (b) Applicant understands and agrees that access to the building site will not be available at all times.
 - (c) Access to the building site will not damage previously installed services.
 - (d) Employee parking must be provided which will not hinder the work on city improvement projects.
 - (e) Temporary electrical service will be provided without crossing any existing or proposed street improvement.

(f) Applicant agrees that violation of any of the above conditions will be cause to suspend the building permit until all necessary installations of streets and utility services are complete.

SECTION 4. AMENDMENTS: This policy may be amended by action of the Governing Body.

Resolution No. 96- 21

WHEREAS; the City of Independence wishes to encourage growth and development within its corporate boundaries and environs.

WHEREAS; the City of Independence has additional capacity within a portion of its utility systems which it desires to make available to encourage growth and development in certain locations outside the City limits, to ultimately enhance the growth of the City.

WHEREAS; this resolution requires improvements to the housing stock and revitalization of certain neighborhoods within the City, as a condition of receiving City utility services outside the City limits.

NOW, THEREFORE BE IT RESOLVED by the governing body of the City of Independence that certain portions of the City of Independence, Kansas policy for extension of services which was adopted August 21, 1979 is modified as it relates to extension or allowing of taps to City utilities outside the City limits. This policy is modified to allow for the extension or taps to the City utility system when a finding is made by the City Commission that it is in the best interest of the City of Independence to allow such taps and the following conditions are met:

1. The City has adequate capacity to provide service from its existing utility system without placing a financial burden on residents of the City, to enlarge such collection or distribution lines, construct water tower(s) or other facilities to serve any new subdivision development.
2. The City will allow such taps or extension of its utility system outside the City limits for single family residential and industrial developments.
3. Single family residential units receiving utility service shall be built in planned and developed subdivisions located within one half mile from the City's then existing utility system, unless there is a finding by the governing body that it is in the best interest of the City to extend utilities beyond the one-half mile limitation.
4. Residential subdivisions shall be a minimum of twenty acres, with a maximum density of one acre per lot.
5. All water line extensions to serve such subdivisions shall be adequate in size to provide for both domestic use and fire protection.
6. Sanitary sewer service connections will only be provided after a complete engineering review of the ability of the collection system to receive such waste water and that the City's treatment plant can adequately treat the additional waste water.

7. The developer shall pay all of the cost for extension of all lines and appurtenances to service the proposed subdivision. Fire hydrants shall be provided and installed by the developer at the time of the extension of all water lines, placed at intervals specified by the City's Fire Chief.
8. For taps made directly to the existing City's sanitary sewer lines the City will follow existing policy by charging a connection fee based upon the square footage of the area to be served as provided for in Resolution 7-78. If the developer is required to extend the City's system there will be no such charge. For connection or extensions on existing County sanitary sewer district lines, even if such connection or extension will require approval by the City, there may be no charge as provided for above by the City.
9. All distribution or collection system lines or other appurtenances constructed or extended by the developer will be constructed to standards established by the City and after construction and inspection may be dedicated to the City as determined by the City. The point of connection to the City's utilities and routing of the extended utility lines shall be approved by the City. All line extensions shall be located only on land which has a dedicated easement or is an existing right-of-way and approval has been received by the appropriate governing body for its use.
10. The City may request any improvement that is not constructed to City standards that the developer shall take corrective action acceptable to the City or the City may require such lines be disconnected from the City utility lines and any agreement(s) shall be null and void. The developer shall pay to the City the cost incurred to review plans, specifications and inspection at an hourly rate established by the City.
11. Any additional taps to any lines constructed by the developer whether or not such line is dedicated to the City shall be at the sole discretion of the City and follow existing City policy as established at that time. The number of taps provided to the developer for a specific subdivision development shall be shown in the plat approved by the City.
12. All lines within the subdivision shall comply to City standards and may be dedicated to the City following the same procedures for construction as provided in section 9.
13. The developer shall sign a preannexation agreement indicating that they will petition for annexation into the City when requested by the governing body, or not to contest any City annexation as may otherwise be initiated by the governing body. This agreement shall be applicable to the developer, any assigns or for any future owners of lots or tracts sold by the developer within the platted subdivision.

14. Prior to receiving authority to extend or tap City utility lines the proposed subdivision shall be platted and meet development standards established by the City's subdivision regulations. The developer shall agree to construct all improvements requested by the City's subdivision regulations. These standards shall apply not only to the developer, but to all assigns and future lot owners. If City subdivision standards are less restrictive than the County adopted standards then the more restrictive standards shall be complied with by the developer.
15. Prior to permitting an extension or allowing taps on the water distribution system of the City the developer shall comply with appropriate requirements to insure that sanitary sewer service either through individual septic tanks or other approved method is in compliance with the Montgomery County Health Department, Kansas Department of Health & Environment and City regulations.
16. All rates for both water and sewer service shall be established by the City at an outside rate until such area is annexed into the City.
17. All utility services provided by the City shall be billed at rates established by the governing body for all other outside users, unless unusual circumstances would provide for modifications of such outside rates. The billing for such services will be by the City, unless the City chooses to modify that procedure or if such connection is provided to a special district whose agreement with the City provides for an alternate method of billing to the district and its customers.
18. In exchange for extending utility service to an area outside the City limits, the residential subdivision developer shall construct one new residential structure to comply with the City's zoning regulations and construction standards for every ten new residential structures planned for construction in the outside subdivision. For the purpose of defining a structure; a duplex, triplex or multi-family housing development will only count as one structure.
19. In lieu of the requirement to construct a new residential structure provided for in section 18, the developer may substitute an existing residential structure requiring rehabilitation. If an existing structure requiring rehabilitation is substituted for a new structure, at the completion of the rehabilitation the market value of the rehabilitated structure must increase by a minimum of \$15,000. The increase in market value shall be determined to be the difference between the market value of the residential structure at the time of acquisition and the market value of the structure should certain improvements specified by the developer be done to the property. The

change in market value shall be determined by an appraisal to be done at the time of acquisition by a licensed real estate appraiser to be selected by mutual agreement by both the City and the developer. The cost of the appraisal shall be borne by the developer.

After completion of the rehabilitation of the residential structure the developer shall have a local financial institution inspect or cause to be inspected such property to determine that there are no deficiencies pertaining to the structure utilizing RECD (Rural Economic and Community Development) inspection standards. Those standards are attached. Any deficiencies based upon that inspection will be corrected.

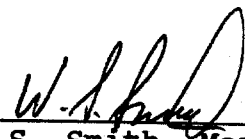
Prior to accepting the rehabilitated structure to meet the criteria established in this resolution the City will be provided a copy of the appraisal report indicating the increase in the market value as provided for in this section and a letter with the attached inspection report from the local financial institution demonstrating that the structure is in compliance with RECD inspection standards.

20. The location for the construction of these additional new residential structures or existing residential structures within the City shall be in an area designated for revitalization which boundary shall be Main Street to the north, City limits to the south, Cement Street to the east and the Union Pacific tracks to the west. The developer should construct residential units in neighborhoods in transition or currently being effected by blight.
21. Prior to any taps being provided to the developer to serve any residential structures outside the City limits, the developer will have completed construction of at least one new single family residential structure or an existing structure that has been rehabilitated in compliance with this agreement in the designated geographic area. An additional residential structure will also be constructed for each additional ten structures or fraction thereof planned for construction before additional taps will be approved by the City. If the developer does not comply with this requirement no new additional taps will be provided until the developer has come into compliance with this section. In lieu of completion of the structure(s) to be constructed within the City, the developer may start construction of a structure(s) outside the City if he has started construction of a home within the City and provides a bond or other security acceptable to the governing body to insure completion of the structure located in the City.
22. For all lines that are an extension of the City lines or any lines which may be dedicated to the City, the City shall require that the developer provide proof that there are no

outstanding liens or encumbrances on such improvements and easements have been provided.

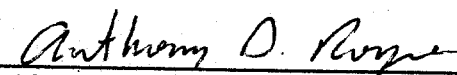
23. The City may require the developer to provide adequate financial statements to indicate the developer's capability to finance the proposed improvements and to develop the subdivision as provided for under any agreements.
24. The developer shall agree to hold the City harmless from any liabilities as provided for in this agreement by their action or by action of the City.
25. The developer, assigns or future lot owners shall agree to comply with all City ordinances pertaining to the City's utility system now in effect or which may be enacted in the future, even though such subdivision or lots may be outside the corporate boundaries of the City.
26. Providing utility services to a subdivision outside the City limits is not to be construed as an obligation to provide police, fire protection or other municipal services.
27. All provisions of this policy shall be incorporated into a signed agreement between the City and the developer subject to the approval of the City Commission.
28. Resolution 95-33 is hereby repealed.

Adopted by the governing body of Independence, Kansas, this 30th day of May, 1996.



W.S. Smith, Mayor
City of Independence, KS

ATTEST:



Anthony D. Royse, City Clerk





**REQUEST FOR ECONOMIC DEVELOPMENT
ADVISORY BOARD ACTION
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Finance

Prepared By Lacey Lies

AGENDA ITEM Common Consumption Area

SUMMARY RECOMMENDATION

BACKGROUND Main Street Director Tabatha Snodgrass has provided the attached presentation regarding Common Consumption Areas around the nation. She is also polling downtown businesses regarding their support of a Common Consumption Area.

Recently, the Governor has signed new legislation that amends the Club and Drinking Establishment Act (CDEA) provisions related to common consumption areas that will be effective on July 1, 2023. [House Bill 2059](#) amends K.S.A. 41-2659 by removing the requirement that a city or county require the portions of common consumption areas on public streets or roadways to be blocked from motorized traffic during events. The bill also requires each common consumption area to be marked by signs that are conspicuously posted, identifying the boundaries of such area and in a size and manner that provides notice to persons entering or leaving the area. A summary of this bill, the full text of the bill, and K.S.A. 41-2659 (prior to being amended) are attached.

Also attached is Parsons' Common Consumption Ordinance, which was adopted in 2019. Please note it does not reflect the latest legislation. Also, City staff requested a copy of Lenexa's ordinance which was adopted in 2021 that amended their 2017 ordinance that established a common consumption area for both indoor and outdoor spaces on the Lenexa civic campus (see attached article). Both the 2017 and 2021 ordinances are attached. Main Street Director Tabatha Snodgrass has provided a copy of Great Bend's ordinance that was adopted in 2022 which is also attached.

SUGGESTED MOTION

SUPPORTING DOCUMENTS

1. Open Containers Presentation_2023 National Main Street Convention
2. Summary_HB2059_2023 - See highlighted text on page 2
3. HB2059_enrolled - See highlighted text on page 7
4. 2022 K.S.A. 41-2659 (Does not include modifications by HB 2059 effective July 1, 2023)
5. Parsons Common Consumption Ordinance from 2019
6. Rules for alcohol on civic campus - City of Lenexa
7. Lenexa - Ordinance 5608 08-15-17_Redacted
8. Lenexa - Ordinance 5845 09-07-21_Redacted
9. Great Bend Common Consumption Area



B O S

T O N

MAIN
STREET
2023
Now

A City of Main Streets



Open Containers

BIG IMPACT ON A SMALL TOWN



Downtown Rome, Georgia

- **Great American Main Street**
- **GEMS**
- **229 Residential Units**
- **City population: 38,000+**
- **300+ Businesses**

2017

MAIN
STREET
2023
Now



2020

MAIN
STREET
2023
Now







“Can’t they take no for an answer?”

During our open container events, businesses saw an increase in foot traffic & revenue - some as much as 50%



2
0
2
1

IT'S OUR JOB TO ADVOCATE FOR OUR STAKEHOLDERS



RESEARCH



FEEDBACK



EDUCATION





STAKEHOLDER INPUT

YES	226
NO	9
NEUTRAL	5



IN PERSON FEEDBACK

(BUSINESS & PROPERTY OWNERS)

OVERWHELMINGLY POSITIVE!

- Likes trial but thinks 11am is too early
- Concerned about fights
- Regular increase in business could allow hiring another employee
- Concerns with litter
- Feels it would encourage BYOB and take away from sales
- Concerned with accusations of over-serving
- Concerned about ability to enforce and understaffed PD



OTHER COMMUNITIES IN GA



ACWORTH
ALBANY
BAINBRIDGE
BRASELTON
BRUNSWICK
CAIRO
CANTON
CARROLLTON
CARTERSVILLE
CONYERS
CORNELIA

COVINGTON
DALTON
DECATUR
DORAVILLE
DUNWOODY
DOUGLASVILLE
FAYETTEVILLE
FLOWERY BRANCH
FORSYTH
GAINESVILLE



JEKYLL ISLAND
KENNESAW
LAWRENCEVILLE
LOGANVILLE
MARIETTA
MACON
MCDONOUGH
MONROE
NEWNAN
POWDER SPRINGS
ROSWELL

SMYRNA
STATESBORO
STOCKBRIDGE
SUGAR HILL
SUWANEE
THOMASTON
TYBEE ISLAND
VALDOSTA
VILLA RICA
WASHINGTON
WOODSTOCK



HONORABLE MENTIONS



ATLANTA BRAVES
AVALON (ALPHARETTA)
THE BATTERY
BEACHES



DISNEY WORLD
ROME BRAVES
ROCK CITY
SIX FLAGS
UNIVERSAL
ZOO ATLANTA





FEEDBACK FROM OTHER
COMMUNITIES ACROSS THE STATE



James Riker, City Manager, Duluth, GA



- Entertainment district
- Former “Open Zone” with BYOB
- Recruited:
- 13 Restaurants
- 2 Breweries
- 1 Bar



Jim Watters, City Councilmember Carrollton, GA



“Let’s give the people the opportunity to show that they can behave,
and they have.”



Joel Richards, Police Chief Carrollton, GA

- Had open container 24/7
- Reduced hours to 2AM
- Warnings for a few weeks, no issues





Brian Stockton, Director of Economic Development, Woodstock, GA

- Slightly more litter
- Added part time weekend grounds crews
- Been in place since 2016
- No records of increased tickets or police interactions



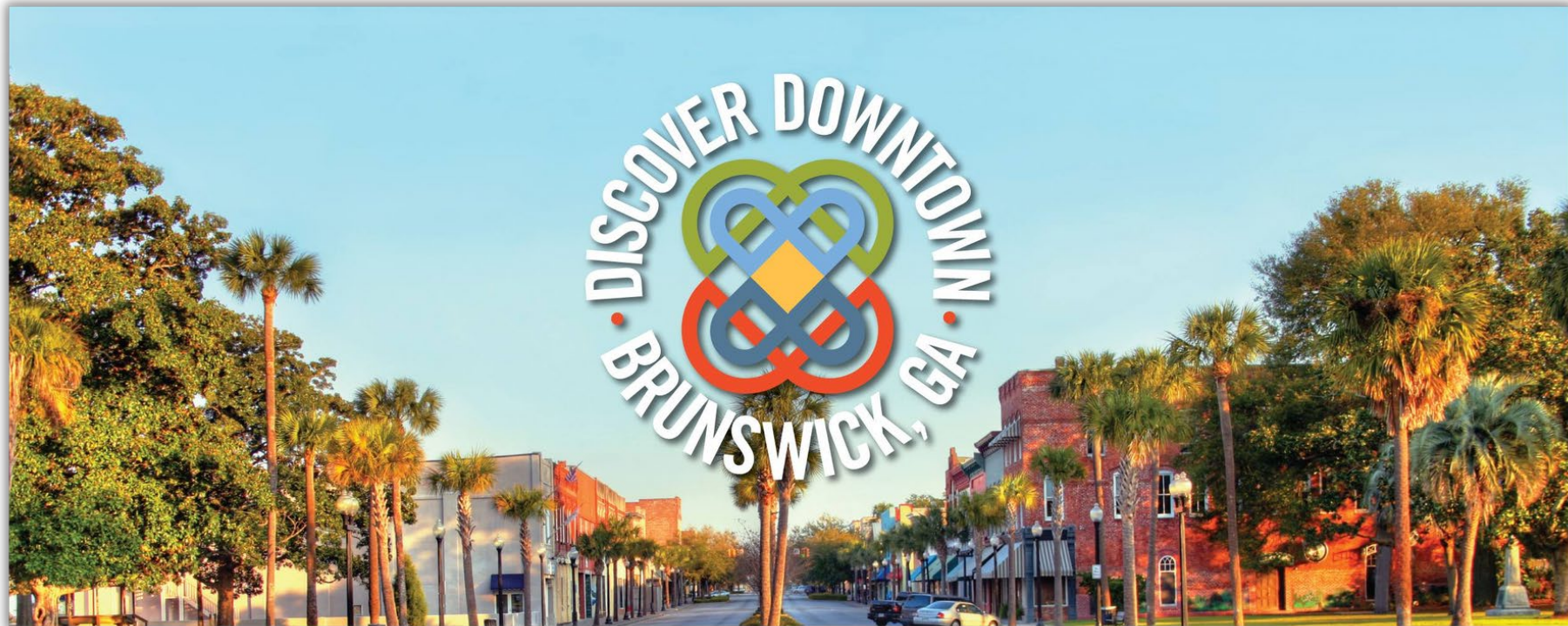


Downtown Dalton, GA

- “Game Changer”
- Walkability
- Outside exploration
- Marketing opportunity



Mathew Hill, DDA Executive Director Brunswick, GA



“...open container has helped further revitalization of downtown Brunswick more than most other incentives.”

Mayor John Howard, Monroe, GA



“Our downtown sales during the first quarter of the year beat our local Walmart.”

Mayor Rey Martinez, Loganville, GA



- Passed overlay district allowing open containers
- Passed 25/75 food/alcohol ratio
- “Pro-business approach”

Mayor Bill Grant, Canton, GA



- Measured violations, patrol hours, routine maintenance and trash collection
- ALL metrics came back positive
- Alcohol violations cut in half



Addressing Concerns



90 Day Trial
Thu - Sat
11A - 11P



Addressing Concerns



- "Dining District"
- Restaurant trainings
- Informational cards
- Social media campaigns
- Downtown ambassadors

FAQ's



Q: What areas are open containers allowed?

A: Sidewalks, green spaces, crosswalks, bridges. **NOT ALLOWED** are parking lots and decks.

FAQ's

Q: Can people bring their own beverages from home or keep a stash in their trunk?

A: No



Q: Can minors partake in open container?

A: No



21+





Big Picture

Comprehensive Plan
Young Professionals
Workforce
Growth



2017
Vote 8:1 NO

2020
Vote 6:3 NO

Trial Period
Final Vote 5:4



Trial Results



Retailer A –
28% increase over LY

Retailer B –
95% increase over LY

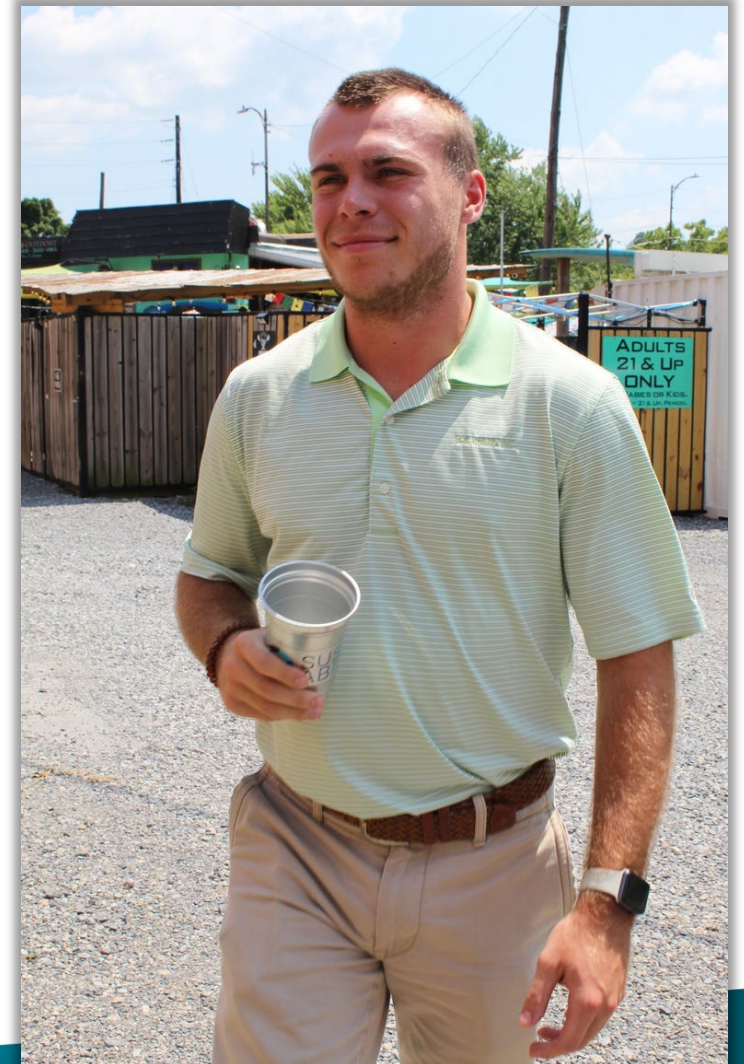


Trial Results

Restaurant A - 23% increase over 2019

Restaurant B - 7% increase (food sales)
and 26% increase (alcohol sales) over 2019

Restaurant C - 10% increase to previous
months





Public Safety

BUSTING THE MYTH

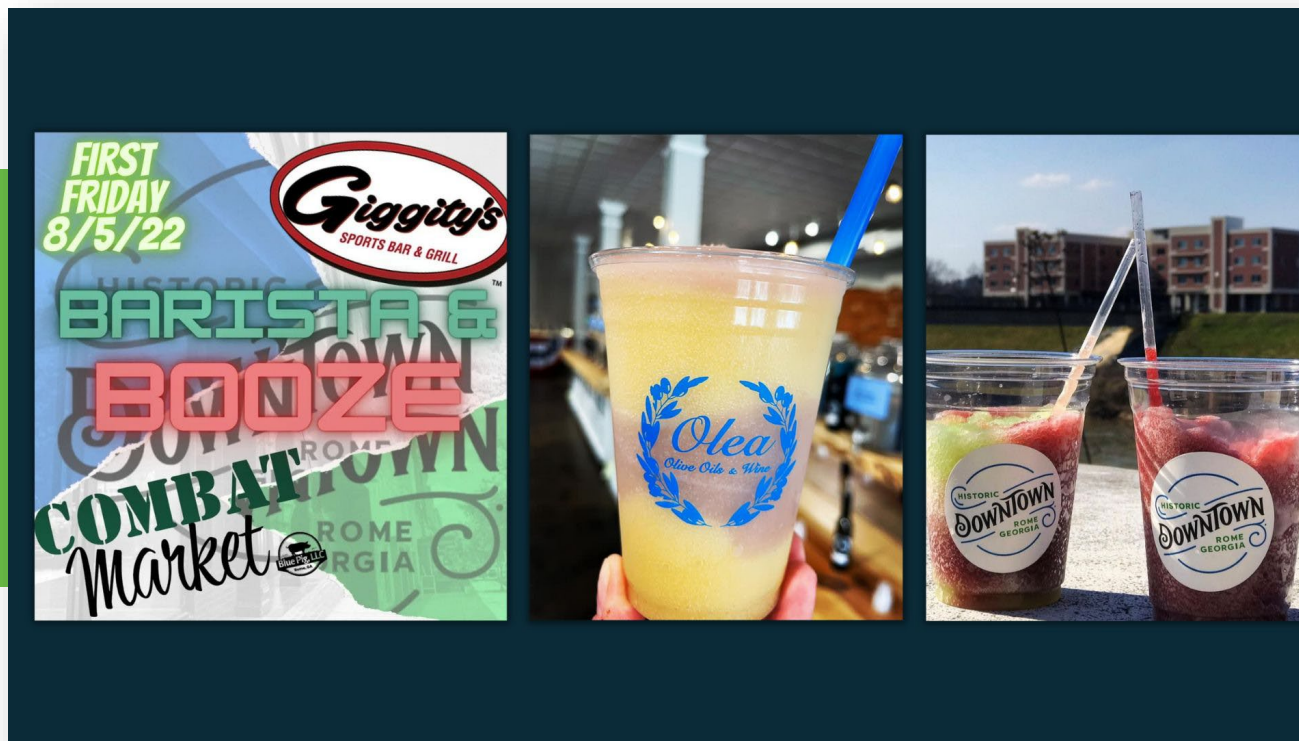
Since we relaxed our alcohol ordinance, alcohol-related arrests have gone down from 2.25/month to 1.25/month

2022-2023

- Restaurant A: 30% increase
- Restaurant B: 51% increase (food sales) and 29% increase (alcohol sales) over LY
- Retail A: 400% increase over LY
- Retail B: 33% increase over LY



Open Containers = Positive Economic Impact





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2. Locate this session and scroll to “Session Feedback”
3. Complete your review

Need help? See your conference program or a volunteer for assistance. **Thank you!**



Thank You!



QUESTIONS?

DOWNTOWN DEVELOPMENT
DIRECTOR

ROME, GA

ALESLEY@ROMEGA.US

B O S
T O N

Gallonage Taxes; Samples; Sunday Sales; Common Consumption Areas; Raffles; Dogs at Licensed Premises; HB 2059

HB 2059 amends various provisions of the Kansas Liquor Control Act (KLCA), Kansas Cereal Malt Beverage (CMB) Act, and Club and Drinking Establishment Act (CDEA) concerning remittance of gallonage taxes, samples, Sunday sales, the food sales requirement, and common consumption areas. The bill also permits food establishments to allow dogs in outside areas on the premises and provide an exception to the Kansas Food Code for microbreweries to allow dogs in inside areas, if certain conditions are met.

Remittance of Gallonage Taxes

The bill amends provisions of the KLCA to require a holder of a special order shipping license to submit gallonage taxes to the Secretary of Revenue monthly rather than quarterly.

Product Samples

The bill amends the KLCA provisions on the licensing of spirits, wine, and CMB distributors to increase the sizes of samples of products provided to retailers and to club and drinking establishment licensees.

Spirits

The bill allows a sample of up to three liters of distilled spirits to be provided to club and drinking establishment licensees and employees of the establishment. Continuing law allows samples to be provided to distributors, retailers, and their employees.

Wine

The bill allows a sample of up to three liters of any brand of wine to be provided to a club and drinking establishment licensee, distributor, retailer, and their employees.

Beer

The bill allows a sample of up to three gallons of any brand of beer or CMB to be provided to a club and drinking establishment licensee, distributor, retailer, and their employees.

Sample Products

The bill requires a sample to be of a product the licensee has not purchased from the distributor within the previous 12 months.

Sunday Sales—Food Sales Requirement

The bill amends the CMB Act's provisions regarding on-premises sales of CMB on Sunday to remove the 30 percent food sales requirement for Sunday sales. In continuing law, Sunday sales must have been authorized by the county or city where the licensee is located. [Note: There is no food sales requirement for other days of the week.]

Common Consumption Areas

The bill amends the CDEA provisions related to common consumption areas to remove the requirement that a city or county require the portions of common consumption areas on public streets or roadways to be blocked from motorized traffic during events.

The bill also requires each common consumption area to be marked by signs that are conspicuously posted, identifying the boundaries of such area and in a size and manner that provides notice to persons entering or leaving the area.

Charitable Raffles

The bill amends KLCA provisions regarding prohibited acts to allow liquor or CMB to be a prize of a charitable raffle conducted in accordance with the Kansas Charitable Gaming Act, provided such prize shall not be awarded to a person under 21 years of age.

Dogs at Food Establishments and Microbreweries

The bill permits food establishments to allow dogs in outside areas on the premises if certain conditions are met and provides a specific exception from the Kansas Food Code for microbreweries to allow dogs in inside areas upon meeting an additional condition.

[Note: Under current law, a food establishment may apply for a variance to be allowed to permit dogs in outside areas.]

Dogs at Food Establishments

The bill allows a food establishment to permit dogs in outside areas on its premises if the following conditions are met:

- The establishment has prepared a written plan detailing the processes and procedures to prevent food contamination from dogs on the premises and posted the plan next to the food establishment license inside the premises of the establishment;
- Employees of the establishment are trained on the plan, and the plan is made available to the Kansas Department of Agriculture upon request;

- Dogs are under handler control, well behaved, and respond to their handler's command;
- Dogs belonging to guests of the microbrewery are leashed at all times;
- Dogs are not permitted on dining surfaces, including tables, bars, or counter tops;
- Dogs are not fed or watered from any food establishment equipment, including, but not limited to, plates, bowls, and utensils, except for single-service items that are disposed of immediately following use;
- An area outside the food establishment is designated for dog urination and defecation;
- Employees are required to wash their hands after contact of any kind with a dog prior to handling any food, drink, or utensil; food or drink production, preparation or serving equipment; or the preparation or use of surfaces that may come into contact with food or drink;
- Guests are advised to wash their hands after any contact with a dog; and
- The establishment has developed and follows a process for immediately sanitizing equipment or surfaces used for the production, preparation, serving, or consumption of food or drink if a dog has contact with the equipment or surfaces, including instructions for disposing of contaminated food or drink.

Dogs at Microbreweries

In addition to the provisions that permit dogs in outside areas of all food establishments, the bill permits food establishments that are microbreweries to allow dogs in inside areas, but dogs will not be permitted in food or drink preparation areas, including, but not limited to, kitchens and behind bars.

Effective Date

The provisions of the bill relating to charitable raffles and common consumption areas take effect on July 1, 2023. The provisions of the bill relating to gallonage taxes, product samples, Sunday sales, and dogs in food establishments and microbreweries take effect upon publication in the *Kansas Register*.

HOUSE BILL No. 2059

AN ACT concerning alcoholic beverages and food establishments; exempting charitable raffle prizes of alcoholic liquor and cereal malt beverages from the Kansas liquor control act, the club and drinking establishment act and the Kansas cereal malt beverage act; relating to spirits, wine and beer distributors; regulating samples; relating to the special order shipping of wine; requiring monthly remittance of gallonage taxes; allowing businesses to sell cereal malt beverage by the drink on Sundays without requiring that 30% of the gross receipts of such businesses be derived from the sale of food; permitting food establishments to allow dogs in outside areas on the premises and food establishments that are microbreweries to allow dogs in outside and inside areas on the premises notwithstanding certain provisions of the Kansas food code; amending the common consumption area law to permit rather than require roads be blocked and allowing designation of such areas by signage; amending K.S.A. 41-104, 41-306, 41-306a, 41-307, 41-350 and 41-2659 and K.S.A. 2022 Supp. 41-2704 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is a microbrewery as defined in K.S.A. 41-102, and amendments thereto, and is licensed as provided in K.S.A. 41-308b, and amendments thereto, may allow live dogs in outside and inside areas on the premises if the conditions specified in subsection (c) are met.

(b) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is not a microbrewery as defined in K.S.A. 41-102, and amendments thereto, may allow live dogs in outside areas on the premises, if the conditions as specified in subsection (c) are met.

(c) The following conditions shall be met by a food establishment for dogs to be permitted on such food establishment's premises as permitted by subsections (a) and (b):

(1) The food establishment shall prepare a written plan describing the processes and procedures in place to prevent food contamination from dogs on the premises. The plan shall be posted next to the food establishment license inside the premises of the food establishment. The employees of the food establishment shall be trained on the plan, and the plan shall be made available to the Kansas department of agriculture upon request;

(2) dogs shall be under handler control. Dogs shall be well behaved and respond to their handler's command. Dogs belonging to food establishment owners, management or employees shall not be required to be leashed. Dogs belonging to guests of the food establishment shall be leashed at all times;

(3) with respect to a food establishment that is a microbrewery, as provided by subsection (a), dogs in indoor areas shall not be permitted in food or drink preparation areas, including, but not limited to, kitchens and behind bars;

(4) dogs shall not be permitted on dining surfaces, including tables, bars or counter tops;

(5) dogs shall not be fed or watered from any food establishment equipment, including, but not limited to, plates, bowls and utensils, except for single-service items that are disposed of immediately following such use;

(6) an area outside the food establishment shall be designated for dog urination and defecation;

(7) employees shall be required to wash their hands after contact of any kind with a dog prior to handling any food, drink, utensil or food or drink production, preparation or serving equipment or the preparation or use of surfaces that may come into contact with food or drink;

(8) guests shall be advised to wash their hands after any contact with a dog; and

(9) a process for immediately sanitizing equipment or surfaces used for the production, preparation, serving or consumption of food or drink if a dog has contact with such equipment or surfaces shall be developed and followed by the food establishment. This process shall include instructions for disposing of contaminated food or drink.

Sec. 2. On and after July 1, 2023, K.S.A. 41-104 is hereby amended to read as follows: 41-104. (a) No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in ~~this act~~ *such acts* shall prevent:

~~(a)~~(1) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

~~(b)~~(2) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, the maker's family, guests and judges at a contest or competition of such beverages, provided, the maker receives no compensation for producing such beverages or for allowing the consumption thereof;

~~(c)~~(3) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

~~(d)~~(4) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

~~(e)~~(5) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

~~(f)~~(6) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

~~(g)~~(7) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following:

~~(1)~~(A) The consumer must be at least 21 years of age;

~~(2)~~(B) the consumer must purchase the wine while physically present on the premises of the wine manufacturer;

~~(3)~~(C) the wine must be for the consumer's personal consumption and not for resale; and

~~(4)~~(D) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary;

~~(h)~~(8) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to ~~26-U.S.C.A.~~ *U.S.C. § 501(c)* and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; ~~or~~

~~(i)~~(9) the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance; *or*

(10) *the provision of alcoholic liquor or cereal malt beverage as a*

prize for a charitable raffle conducted in accordance with K.S.A. 75-5171 et seq., and amendments thereto, except that no such prize shall be provided to any person under 21 years of age.

~~(j)~~(b) For purposes of subsection—~~(b)~~ (a)(2), the term "guest" means a natural person who is known to the host and receives a personal invitation to an event conducted by the host. The term "guest" ~~shall~~ *does* not mean a natural person who receives an invitation to an event conducted by the host when such invitation has been made available to the general public.

Sec. 3. K.S.A. 41-306 is hereby amended to read as follows: 41-306. A spirits distributor's license, shall allow:

(a) The wholesale purchase, importation and storage of spirits, but all such spirits so purchased or imported which are manufactured in the United States shall be purchased from the primary American source of supply or from another licensed spirits distributor, except that a licensed spirits distributor may purchase confiscated spirits at a sheriff's sale.

(b) The sale of spirits to:

(1) Spirits distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of spirits only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The purchase of spirits in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such spirits shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of spirits by manufacturers and with all federal rules, regulations and laws.

(d) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(e) The storage and delivery to a public venue licensed under the club and drinking establishment act of alcoholic liquor purchased by the public venue licensee from a retailer authorized by law to sell such alcoholic liquor to such public venue licensee.

(f) The withdrawal of spirits from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees *or to persons licensed under the club and drinking establishment act and such persons' employees*. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, ~~provided except that~~ *no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of spirits shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of ~~providing samples pursuant to this subsection other than at industry seminars or to the licensee's~~

~~employees, the term "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto this subsection, "sample" means not more than three liters of distilled spirits.~~

Sec. 4. K.S.A. 41-306a is hereby amended to read as follows: 41-306a. A wine distributor's license shall allow:

(a) The wholesale purchase, importation and storage of wine, but all wine so purchased or imported which is manufactured in the United States shall be purchased from the primary American source of supply or from another licensed wine distributor, except that a licensed wine distributor may purchase confiscated wine at a sheriff's sale.

(b) The sale of wine to:

(1) Wine distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of wine only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of wine, but only in barrels, casks and other bulk containers, to:

(1) Licensed caterers; and

(2) public venues, clubs and drinking establishments licensed in this state, except that such distributor shall sell a brand of wine only to such public venues, clubs and drinking establishments the licensed premises of which are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto.

(d) The purchase of wine in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such wine shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of wine by manufacturers and with all federal rules, regulations and laws.

(e) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(f) The withdrawal of wine from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. *Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of wine shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the

applicable current posted bottle or case price. For purposes of providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term of this subsection, "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto means not more than three liters of any brand of wine.

(g) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 5. K.S.A. 41-307 is hereby amended to read as follows: 41-307. A beer distributor's license shall allow:

- (a) The wholesale purchase, importation and storage of beer.
- (b) The sale of beer to:
 - (1) Licensed caterers;
 - (2) beer distributors licensed in this state;
 - (3) retailers, public venues, clubs and drinking establishments, licensed in this state, except that such distributor shall sell a brand of beer only to those retailers, public venues, clubs and drinking establishments of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and
 - (4) such persons located outside such territory or outside this state as permitted by law.
- (c) The sale of cereal malt beverage to:
 - (1) Beer distributors licensed in this state;
 - (2) clubs and drinking establishments, licensed in this state, and retailers licensed under K.S.A. 41-2702, and amendments thereto, except that such distributor shall sell a brand of cereal malt beverage only to those such clubs, drinking establishments and retailers of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto;
 - (3) retailers; and
 - (4) such persons located outside such territory or outside this state as permitted by law.
- (d) The sale of beer containing not more than 6% alcohol by volume to cereal malt beverage retailers licensed pursuant to K.S.A. 41-2702, and amendments thereto.
- (e) The purchase of cereal malt beverage in kegs or other bulk containers and the bottling or canning thereof in accordance with law.
- (f) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.
- (g) The storage and delivery, with proper invoicing in accordance with rules and regulations adopted by the secretary, on the premises of a public venue licensee, of beer sold to or available for purchase by the public venue during an event.
- (h) The withdrawal of beer or cereal malt beverage from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall

be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. *Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of beer or cereal malt beverage shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of ~~providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto means not more than three gallons of any brand of beer or cereal malt beverage.~~

Sec. 6. On and after July 1, 2023, K.S.A. 41-350 is hereby amended to read as follows: 41-350. (a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" ~~have the meaning ascribed to these terms~~ *mean the same as defined in K.S.A. 41-102, and amendments thereto.*

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of \$100. The license term for a special order shipping license shall commence on the date specified on the license and shall end two years after that date.

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that ~~he or she~~ *such person* is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control; or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to

comply with any provision of this section or K.S.A. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 et seq., and amendments thereto, shall on a ~~quarterly~~ *monthly* basis electronically remit such taxes in a manner prescribed by the secretary and shall accompany such remittance with any reports, documentation or other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

(i) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 7. On and after July 1, 2023, K.S.A. 41-2659 is hereby amended to read as follows: 41-2659. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor or cereal malt beverage may be consumed therein. The ordinance or resolution ~~shall~~ *may* require that any public street or roadway that lies within a common consumption area ~~shall~~ be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor or cereal malt beverage in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of \$100. All permit fees collected by the director pursuant to

this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) Any licensee immediately adjacent to, or located within a common consumption area may request that the licensee's licensed premises participate in the common consumption area for the duration of the common consumption area permit. Such a request shall be made upon forms prescribed by the director.

(e) (1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal patrons to remove alcoholic liquor or cereal malt beverage purchased from the licensee into the premises described by the common consumption area permit. All alcoholic liquor and cereal malt beverage removed from a licensed premises in such fashion shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

(2) In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a common consumption area may offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption from one non-contiguous service area within the common consumption area, as designated and approved by the common consumption area permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its non-contiguous service area.

(f) (1) Each licensee within a common consumption area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises.

(2) Each common consumption area permit holder shall be liable for violations that occur off the licensee's premises, but within the common consumption area identified in the permit. No permit holder shall permit any person to remove any open container of alcoholic liquor or cereal malt beverage from the boundaries of the common consumption area.

(g) (1) For the purposes of this section, "common consumption area" means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a common consumption area permit.

(2) The boundaries of any common consumption area must be clearly marked using a physical barrier or any apparent line of demarcation. *Every common consumption area shall have signs conspicuously posted identifying the boundaries of such area in a size and manner that provides notice to persons entering or leaving the area.*

(h) The secretary shall adopt rules and regulations to implement this section.

(i) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 8. K.S.A. 2022 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt

beverage in the original package have not been expanded as provided by K.S.A. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 41-2911, and amendments thereto, no cereal malt beverages or beer containing not more than 6% alcohol by volume may be sold:

(1) Between the hours of 12 midnight and 6 a.m.; or

(2) on Sunday, except in a place of business ~~which~~ *that* is licensed to sell cereal malt beverage for consumption on the premises, ~~which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises~~ and ~~which~~ *that* is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(c) Within any city where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 41-2911, and amendments thereto, no person shall sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume:

(1) Between the hours of 12 midnight and 6 a.m.;

(2) in the original package not earlier than 9 a.m. and not later than 8 p.m. on Sunday;

(3) on Easter Sunday; or

(4) for consumption on the licensed premises on Sunday, except in a place of business ~~which~~ *that* is licensed to sell cereal malt beverage for consumption on the premises, ~~which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises~~ and ~~which~~ *that* is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(d) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises also are licensed as a club pursuant to the club and drinking establishment act.

(e) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(f) Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt beverage or beer containing not more than 6% alcohol by volume to consume or purchase any cereal malt beverage in or about a place of business. A licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage or beer containing not more than 6% alcohol by volume, if:

(1) The licensee's place of business is licensed only to sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume in the original package and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501, and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(g) No person shall have any alcoholic liquor, except beer containing not more than 6% alcohol by volume, in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act or the business is a farm winery licensed pursuant to K.S.A. 41-316, and amendments thereto, or a producer licensed pursuant to K.S.A. 41-355, and amendments thereto.

(h) Cereal malt beverages may be sold on premises that are licensed pursuant to both the Kansas cereal malt beverage act and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 9. K.S.A. 41-306, 41-306a and 41-307 and K.S.A. 2022 Supp. 41-2704 are hereby repealed.

Sec. 10. On and after July 1, 2023, K.S.A. 41-104, 41-350 and 41-2659 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report_____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report_____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

2022 Kansas Statutes

41-2659. Common consumption areas; cities and counties; permits; duties and liabilities. (a)

(1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor or cereal malt beverage may be consumed therein. The ordinance or resolution shall require that any public street or roadway that lies within a common consumption area shall be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor or cereal malt beverage in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of \$100. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) Any licensee immediately adjacent to, or located within a common consumption area may request that the licensee's licensed premises participate in the common consumption area for the duration of the common consumption area permit. Such a request shall be made upon forms prescribed by the director.

(e) (1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal patrons to remove alcoholic liquor or cereal malt beverage purchased from the licensee into the premises described by the common consumption area permit. All alcoholic liquor and cereal malt beverage removed from a licensed premises in such fashion shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

(2) In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a common consumption area may offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption from one non-contiguous service area within the common consumption area, as designated and approved by the common consumption area permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its non-contiguous service area.

(f) (1) Each licensee within a common consumption area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises.

(2) Each common consumption area permit holder shall be liable for violations that occur off the licensee's premises, but within the common consumption area identified in the permit. No permit holder shall permit any person to remove any open container of alcoholic liquor or cereal malt beverage from the boundaries of the common consumption area.

(g) For the purposes of this section, "common consumption area" means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a common consumption area permit. The boundaries of any common consumption area must be clearly marked using a physical barrier or any apparent line of demarcation.

(h) The secretary shall adopt rules and regulations to implement this section.

(i) This section shall be a part of and supplemental to the club and drinking establishment act.

History: L. 2017, ch. 85, § 1; L. 2019, ch. 57, § 29; L. 2021, ch. 107, § 35; May 27.

ORDINANCE NO. 6453

AN ORDINANCE OF THE CITY OF PARSONS CREATING A COMMON CONSUMPTION AREA IN THE DOWNTOWN BUSINESS DISTRICT AND SETTING ALL OF THE RULES IN PLACE FOR THE USE OF THE COMMON CONSUMPTION AREA.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PARSONS, KANSAS:

Section 1. Establishment of Common Consumption Area; Downtown Overlay District. The Governing Body hereby establishes a Common Consumption Area (hereinafter referred to as CCA) during special events and civic events, excluding any and all areas which are currently or otherwise become subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act. The Common Consumption Area is defined as 17th Street on the east, Broadway Avenue on the south, Central Avenue on the west and Washington Avenue on the north. Properties which are located on each side of the street of the above boundary streets are included in the Downtown Overlay District for purposes of this Ordinance.

Section 2. Special Event Permit Required; Streets; Hours. During a special event or civic event which requires a special permit from the City, the boundaries of the event shall be clearly marked using a physical barrier or other apparent line of demarcation. Any public street or roadway that lies within the CCA designated for the special event or civic event shall be blocked from motorized traffic during the hours in which alcoholic liquor is consumed. The possession and consumption of alcoholic liquor within the CCA during a special event or civic event will only be allowed between the hours of 12:00 pm and 12:00 am. Sunday through Saturday.

Section 3. Permit; Directors of the Division of Alcoholic Beverage Control. The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the CCA during a special event or civic event with clearly demarcated boundaries provided that a common consumption area permit ("Permit") has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control ("Director") in accordance with KSA 41-2659 and amendments thereto.

Section 4. Authorized Alcoholic Liquor Containers. All alcoholic liquor removed from a licensed premise, with a valid CCA permit and authorized to participate in the special event, shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee. No alcoholic beverage removed from a licensed premise shall be in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials.

Section 5. Purchases Outside CCA. The possession or consumption of alcoholic liquor purchased outside the boundaries of the CCA shall not be permitted inside the boundaries of the special event or civic event and CCA.

Section 6. Purchases Within CCA. No open container of alcoholic liquor, purchased within the CCA shall be removed from the boundaries of the CCA and special event or civic event.

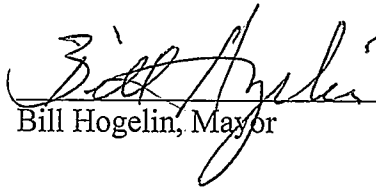
Section 7. Inappropriate Conduct; Prohibited. Inappropriate conduct shall not be permitted within the boundaries of the CCA and special event or civic event in the Downtown Overlay District, and any person engaging in inappropriate conduct shall be subject to removal from the event. Inappropriate conduct may include, but is not limited to, fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of state or federal law or City ordinance.

Section 8. Licenses. All licensees approved by the Director to participate in the CCA shall at all times comply with any and all federal and state law and City ordinances regulating the purchase, sale and consumption of alcoholic liquor.

Section 9. The Governing Body hereby authorizes the City Manager or his or her designee, to take all necessary actions, including but not limited to the execution of all the documents or instruments required to obtain a CCA Permit for the CCA on behalf of the City.

Section 10. The Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper.

Passed by the city commission on this 2nd day of December, 2019, and signed by the mayor on the ____ day of _____, 2019.



Bill Hogelin, Mayor

ATTEST: -


Gabrielle Swanwick, City Clerk

♦ Affidavit of Publication ♦

STATE OF KANSAS, LABETTE COUNTY, ss:

Tiffany Brown, being first duly sworn, deposes and says:
That she is *Classified Manager* of the *PARSONS SUN*, a
daily newspaper printed in the State of Kansas, and
published in and of general circulation in Labette County,
Kansas, with a general paid circulation on a daily basis in
Labette County, Kansas, and that said newspaper is not a
trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50
times a year: has been so published continuously and unin-
terruptedly in said county and state for a period of more
than five years prior to the first publication of said notice;
and has been admitted at the post office of Parsons, in said
county as second class matter.

That the attached notice is a true copy thereof and was
published in the regular and entire issue of said newspaper
for 1 consecutive WEEK, the first publication there-
of being made as aforesaid on the 5 day of DECEMBER
2019, with subsequent publications being made on the
following dates:

_____, 2019 _____, 2019

_____, 2019 _____, 2019

Tiffany Brown

Subscribed and sworn to and before me this

11 day of DECEMBER, 2019.

[Signature]
Notary Public

My commission expires: January 9, 2023

Printer's Fee \$ 22.70

Affidavit, Notary's Fee \$ 10.00

Additional Copies \$ _____

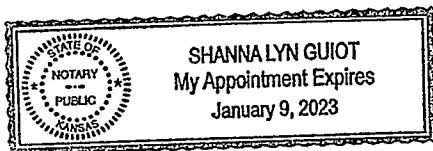
Total Publication Fees \$ 32.70

(Summary published in the
Parsons Sun, Dec. 5, 2019)
ORDINANCE NO. 6453

On December 2, 2019, the City of
Parsons passed an Ordinance creat-
ing a Common Consumption Area
in the Downtown Business District
and setting all of the rules in place
for the use of the Common Con-
sumption Area.

A complete copy of the Ordinance is available at www.parsonssks.com or at the City Clerk's Office, 112 South 17th Street or by calling (620) 421-7000. This summary certified by Ross Albertini, City Attorney.

Dec. 5



RULES FOR ALCOHOL ON CIVIC CAMPUS

City of Lenexa » News » Archived News » Rules for alcohol on civic campus



Q: Can you BYOB to the Lenexa Public Market? A: No.

The City Council amended Ordinance 5608 during their Sept. 7, 2021, meeting. Originally passed in 2017, the ordinance established a common consumption area for both indoor and outdoor spaces on the Lenexa civic campus.

Common consumption areas are permitted under K.S.A. 41-2659, et. seq. which allows a city or county to establish an area where the possession and consumption of alcoholic liquor is allowed pursuant to a common consumption area permit, which the Public Market has held since 2017.

The ordinance amendment extended the hours and slightly modified the boundary of the common consumption area to align with state law and allow for better event flow and daily operations. Additionally, the amendment allows only those who have booked rentable space within the civic campus to bring in their own alcohol specifically for private functions. This is only allowed with prior written approval of the City Manager or designee and those renting private space within the campus are highly encouraged to use the on-site licensed merchants to meet the needs of their private event when booking space. The amendment is aimed at addressing specific circumstances where a Market merchant is unable to accommodate a private function.

This part of the amendment was misinterpreted by several media outlets who indicated that the general public could now bring alcohol purchased elsewhere to the Lenexa Public Market and the common consumption area. **This is not the case and alcohol purchased outside the Public Market and common consumption area is still generally prohibited.**

Licensed Public Market merchants will continue to sell alcohol as part of their normal operations.

If you have questions about this ordinance, please contact [Mike Nolan](#).

Published Sept. 9, 2021

ORDINANCE NO. 5608

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

WHEREAS, in 2017, the Kansas Legislature passed K.S.A 41-2659, allowing cities to establish a common consumption area and to authorize the possession and consumption of alcoholic liquor within such common consumption area; and

WHEREAS, the City of Lenexa ("City") is the owner of land located on the southwest corner of 87th Street Parkway and Penrose Lane, which is home to a variety of uses including Lenexa City Hall, Lenexa Rec Center, Lenexa Public Market and the Lenexa Commons (the "Lenexa Civic Campus"); and

WHEREAS, the Lenexa Public Market is a year-round marketplace consisting of various owner-operated businesses featuring fresh foods and drinks including alcoholic liquor;

WHEREAS, the Lenexa Civic Campus is intended to be a public gathering place for special events, civic events and Lenexa Public Market patrons and the City desires to establish a common consumption area, as further defined herein, to allow the possession and consumption of alcoholic beverages within the Lenexa Civic Campus subject to certain rules and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: In accordance with K.S.A. 41-2659, and amendments thereto, the Governing Body hereby establishes the Lenexa Public Market common consumption area (the "Public Market CCA") consisting of certain indoor and outdoor areas located within the Lenexa Civic Campus as designated on the map, attached hereto as Exhibit A and incorporated herein by reference, excluding any and all areas which are currently or otherwise become subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act. The boundaries of the Public Market CCA shall be clearly marked using a physical barrier or any apparent line of demarcation. There are no public streets or roadways lying within the Public Market CCA.

SECTION TWO: The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the Public Market CCA; provided, however, that a common consumption area permit ("Permit") for the Public Market CCA has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control ("Director") in accordance with K.S.A. 41-2659, and amendments thereto. The possession and consumption of alcoholic liquor within the Public Market CCA is only permitted between the hours of 9:00 a.m. and 12:00 a.m. Sunday through Saturday.

SECTION THREE: All alcoholic liquor removed from a licensed premise authorized to participate in the Public Market CCA shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

SECTION FOUR: The possession or consumption of alcoholic liquor purchased outside of the Public Market CCA shall not be permitted inside the boundaries of the Public Market CCA.

SECTION FIVE: No open container of alcoholic liquor, purchased within the Public Market CCA, shall be removed from the boundaries of the Public Market CCA.

SECTION SIX: Inappropriate conduct shall not be permitted within the boundaries of the Public Market CCA and any person engaging in such inappropriate conduct shall be subject to removal from the Public Market CCA. Inappropriate conduct may include but is not limited to fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of law or City Code.

SECTION SEVEN: All licensees approved by the ABC to participate in the Public Market CCA shall at all times comply with any and all federal, state and City laws or regulations pertaining to the purchase and sale of alcoholic liquor.

SECTION EIGHT: The Governing Body hereby authorizes the City Administrator or his designee to take all reasonably necessary actions, including but not limited to the execution of all documents and instruments, to obtain a Permit for the Public Market CCA on behalf of the City.

SECTION NINE: Subject to receipt of the Permit as described in Section Two, the Governing Body hereby authorizes the City Administrator or his designee to establish rules and regulations pertaining to the use of the Public Market CCA and activities therein. A copy of the rules and regulations shall be available at the office of the City Clerk during regular business hours and on the website maintained by the City. Any violation of such rules and regulations, any official City signage, state law or regulations, or the oral direction of any City employee or authorized volunteer shall be grounds for expulsion from the Public Market CCA and criminal sanctions or any other remedy available under local, state or federal laws.

SECTION TEN: Effective Date: This Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED by the Governing Body this 15 day of August, 2017.

SIGNED by the Mayor this 15 day of August, 2017.



CITY OF LENEXA, KANSAS

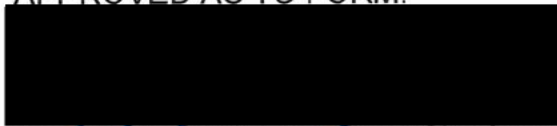


Michael A. Boehm, Mayor



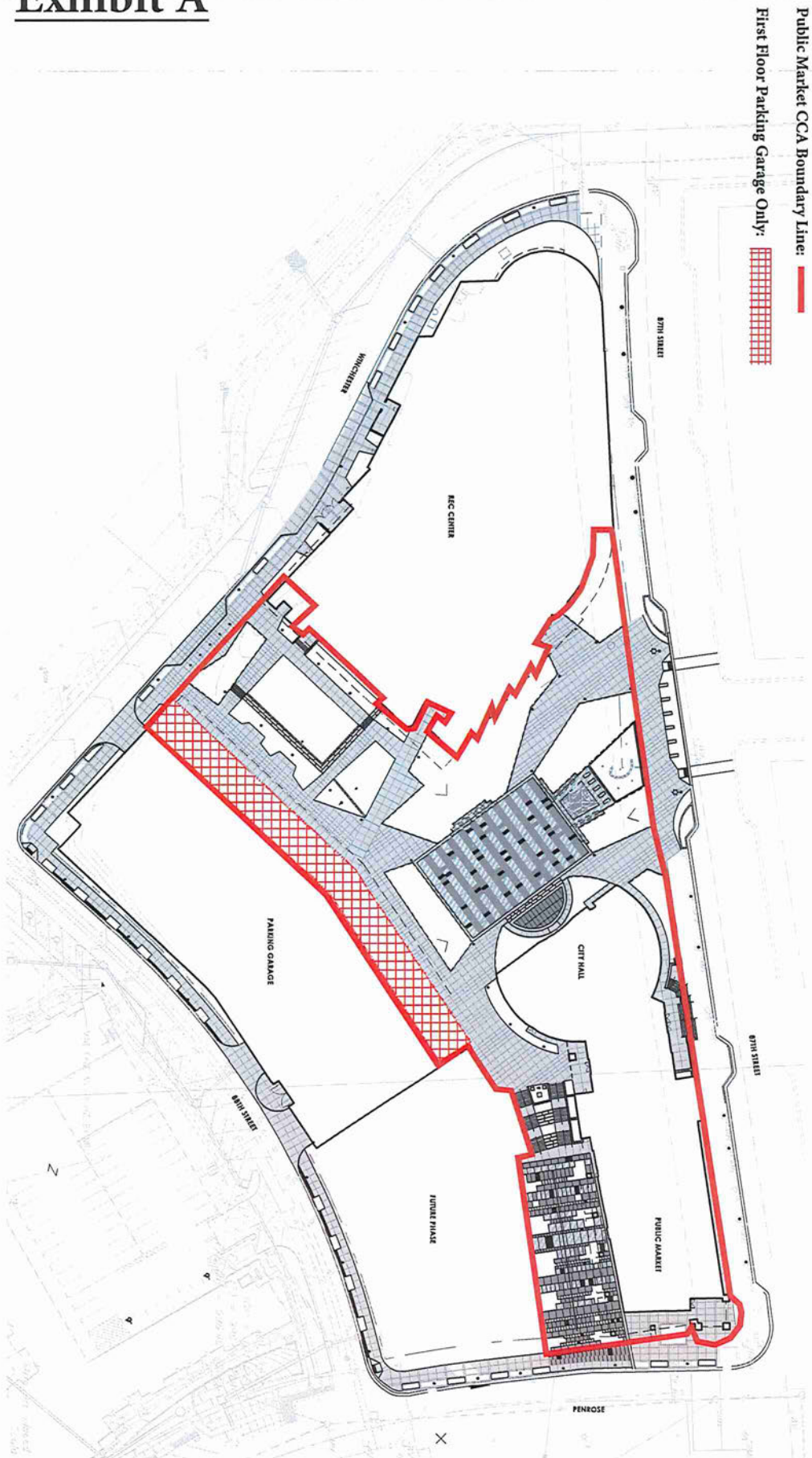
Katy Crow, City Clerk

APPROVED AS TO FORM:



Sean McLaughlin, Assistant City Attorney

Exhibit A



ORDINANCE NO. 5845

AN ORDINANCE AMENDING ORDINANCE NO. 5608 TO MODIFY THE BOUNDARY OF THE PUBLIC MARKET COMMON CONSUMPTION AREA AND AMEND CERTAIN RULES AND REGULATIONS PERTAINING TO THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE PUBLIC MARKET COMMON CONSUMPTION AREA.

WHEREAS, on August 15, 2017, the City passed Ordinance 5608 establishing a common consumption area called the Lenexa Public Market Common Consumption Area ("Public Market CCA") consisting of certain indoor and outdoor areas located within the Lenexa civic campus; and

WHEREAS, Ordinance 5608 established certain rules and regulations pertaining to the possession and consumption of alcoholic liquor within the Public Market CCA; and

WHEREAS, City staff has identified several revisions to the rules and regulations of the Public Market CCA in order to better accommodate City events and activities within the Public Market CCA; and

WHEREAS, the City passed Ordinance No. 5702 amending the Lenexa City Code by changing the title of City Administrator to City Manager; and

WHEREAS, the City desires to amend Ordinance No. 5608 to expanding the boundary of the Public Market CCA to facilitate better pedestrian traffic flow during events, expanding the permitted hours of sale and possession to align with state law, and permit the possession and consumption of alcoholic liquor that was purchased outside of the Public Market CCA with the prior written approval of the City Manager or Designee.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA:

Section One: Section Two of Ordinance 5608 is hereby amended to read as follows:

SECTION TWO: The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the Public Market CCA; provided, however, that a common consumption area permit ("Permit") for the Public Market CCA has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control ("Director") in accordance with K.S.A. 41-2659, and amendments thereto. The possession and consumption of alcoholic liquor within the Public Market CCA is only permitted between the hours of 6:00 a.m. and 12:00 a.m. Sunday through Saturday.

Section Two: Section Four of Ordinance 5608 is hereby amended to read as follows:

SECTION FOUR: The possession or consumption of alcoholic liquor purchased outside of the Public Market CCA shall not be permitted inside the boundaries of the Public Market CCA without prior written approval of the City Manager or designee.

Section Three: Exhibit A attached to Ordinance 5608 is hereby deleted in its entirety and replaced with Exhibit A attached hereto.

Section Four: All references to the City Administrator in Ordinance 5608 shall mean and refer to the City Manager.

Section Five: Effective Date: This Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED BY the City Council this 7 day of September, 2021.

SIGNED BY the Mayor this 7 day of September, 2021.

CITY OF LENEXA, KANSAS



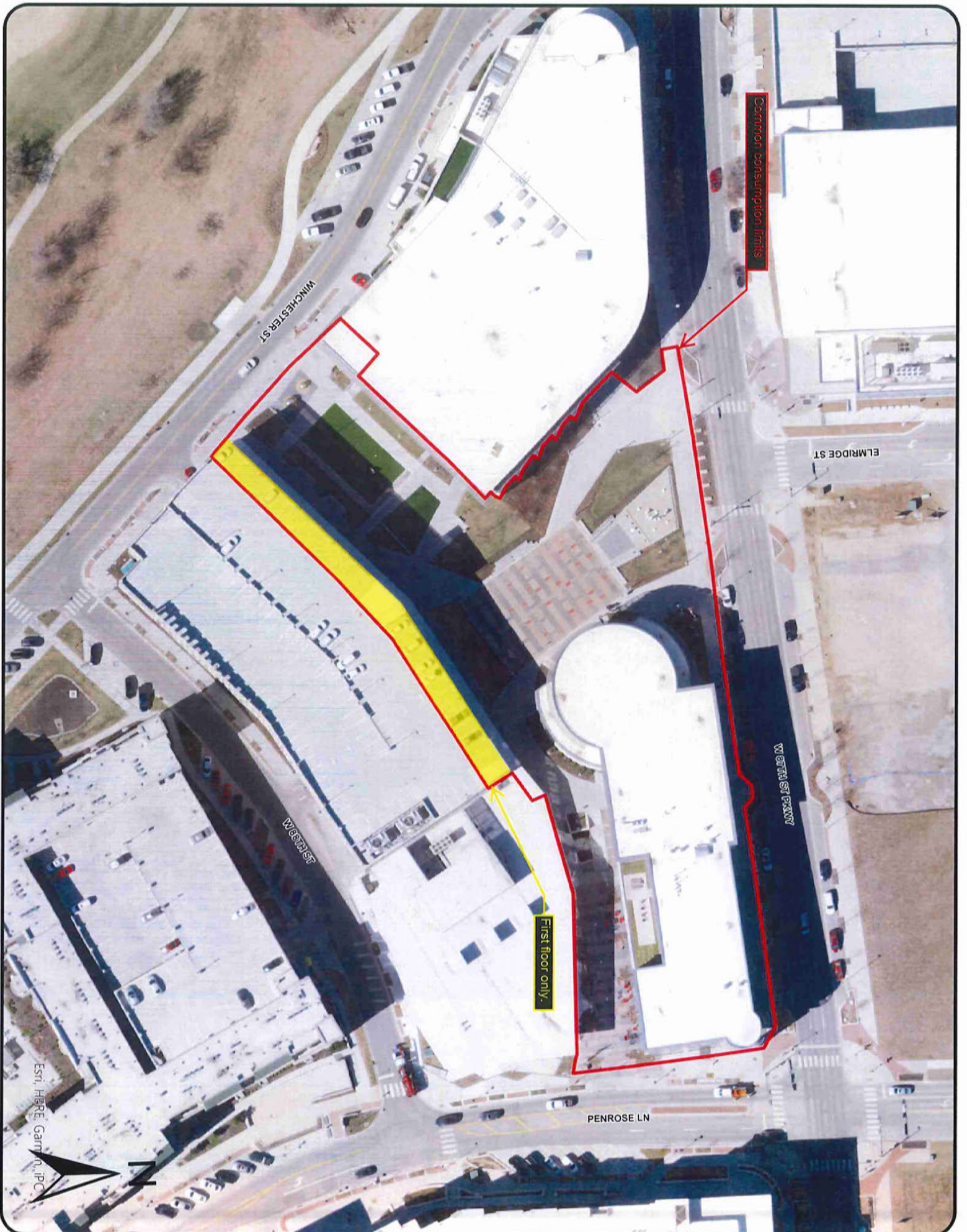
ATTEST:

[Redacted Signature] _____
Michael A. Boehm, Mayor

[Redacted Signature] _____
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

[Redacted Signature] _____
Steven D. Shrout, Assistant City Attorney



The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

CITY OF LENEXA
17101 W 87TH ST
LENEXA KS 66219-9720

First published in The Legal Record, Tuesday, September 14, 2021.

ORDINANCE NO. 5845 SUMMARY

On September 7, 2021 the City of Lenexa, Kansas passed Ordinance No. 5845, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 5608 TO MODIFY THE BOUNDARY OF THE PUBLIC MARKET COMMON CONSUMPTION AREA AND AMEND CERTAIN RULES AND REGULATIONS PERTAINING TO THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE PUBLIC MARKET COMMON CONSUMPTION AREA.

This Ordinance amended Ordinance No. 5608 which established a common consumption area on the southwest corner of 87th Street Parkway and Penrose Lane. The Ordinance modified the boundary of the Public Market Common Consumption Area ("Public Market CCA") to include a portion of sidewalk along 87th Street to improve pedestrian traffic flow during events. In addition, the Ordinance amended the hours of sale and possession of alcoholic liquor within the Public Market CCA to start at 6:00am to more align with State Law. Finally, the Ordinance authorized the City Manager to approve the possession or consumption of alcoholic liquor purchased outside of the Public Market CCA.

The complete text of this ordinance may be obtained or viewed free of charge at the Lenexa City Hall, City Clerk's Office, 17101 W. 87th Street Parkway, Lenexa, KS 66219. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.lenexa.com. This summary is certified as legally accurate and sufficient by Steven Shrout, Assistant City Attorney.

September 8, 2021
9/14

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

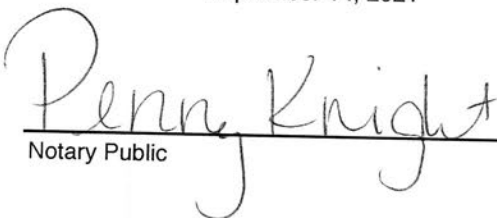
ORDINANCE NO. 5845 SUMMARY
9/14/21



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

September 14, 2021



Notary Public

PENNY KNIGHT
Notary Public-State of Kansas
My Appt. Expires Dec. 31, 2021

L92869
Publication Fees: \$23.28

RESOLUTION NO. 041822-H

**AN RESOLUTION ESTABLISHING A COMMON CONSUMPTION DISTRICT
WITHIN THE CITY OF GREAT BEND, KANSAS, AND DESIGNATION GREAT BEND
ALIVE, INC. AS THE DESIGNATED PERMITTEE FOR THE DISTRICT.**

WHEREAS, Great Bend Alive, Inc, a not-for-profit Kansas corporation with its principal of business in Kansas, has requested the City designate an area located within the city limits of Great Bend, Kansas for the establishment of a Common Consumption Area pursuant to K.S.A. 41-2659;

WHEREAS, a Common Consumption Area is an indoor and outdoor area not otherwise authorized for the possession and consumption of alcoholic liquor pursuant to a common consumption area permit;

WHEREAS, Great Bend Alive, Inc. has requested the Common Consumption Area be located on Forest Avenue from the intersection at Williams Street and Forest Avenue proceeding east along Forest Avenue to the intersection of Forest Avenue and Main Street and all area from the building frontages to the building frontages on both sides of Forest Avenue; and the alley way in Block 103 to the City of Great Bend running from Forest Avenue to Lakin Street up to and along the rear of the buildings on the east side of the alley and then along a line running north and south parallel to the west edge of the diagonal parking and up to and along the side of the building on the north end of said alley way (the "Alley Area"), all as shown on the map attached hereto;

WHEREAS, the Common Consumption Area will require the closing of Forest Avenue and Alley Area within the designated area from time to time for the possession and consumption of alcoholic liquor in the area permitted; and

WHEREAS, Great Bend Alive has requested the City to approve Great Bend Alive, Inc. as the permittee subject to the approval of the Kansas Director of the Division of Alcohol Beverage Control.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GREAT BEND, KANSAS, the request for the approval of the Common Consumption Area from the intersection at Williams Street and Forest Avenue proceeding east along Forest Avenue to the intersection of Forest Avenue and Main Street and all area from the building frontages to the building frontages on both sides of Forest Avenue and the Alley Area, all as shown on the map attached hereto, is approved.

RESOLVED FURTHER, the City of Great Bend, Kansas hereby approves Great Bend Alive, Inc. as the permittee subject to the issuance of common consumption area permit to Great Bend Alive, Inc. by the Kansas Director of the Division of Alcohol Beverage Control and subject to the rules and regulations adopted by the Secretary of Revenue.

RESOLVED FURTHER, the hours and days the consumption and possession of alcoholic liquor is authorized in the Common Consumption Area is from 9:00 a.m. and 12:00 midnight of each day but only during times when the City Administrator, or designee, has approved the closing of the designated arear of Forest Avenue and Alley Area to motorized traffic during the hours alcohol is authorized to be consumed and possessed within the Common Consumption Area.

RESOLVED FURTHER, during hours alcohol is authorized to be consumed and possessed within the Common Consumption Area, the Common Consumption Area of Forest Avenue and Alley Area shall be closed to all motorized traffic. The request for closure of the Common Consumption Area located on Forest Avenue and Alley Area shall be made by the permittee to the City Administrator, or designee, at least 48 hours prior to the requested times of operation. The request for closure of the Common Consumption Area on Forest Avenue and Alley Area shall be made upon a form provided.

RESOLVED FURTHER, inappropriate conduct shall not be permitted within the boundaries of the Common Consumption area, and any person engaging in inappropriate conduct shall be subject to removal from the area. Inappropriate conduct may include, but is not limited to, fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of state or federal law or City ordinance.

RESOLVED FURTHER, Resolution No. 062121-1 is hereby cancelled and of no further force or affect.

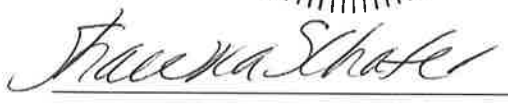
RESOLVED FURTHER, the approval of the Common Consumption District and Great Bend Alive, Inc as the licensee shall be from April 1, 2022 until December 31, 2026, unless renewed as required at law.

ADOPTED AND PASSED this 18th day of April 2022.

(SEAL)
ATTEST:




Cody Schmidt, Mayor


Shawna Schafer, City Clerk

